

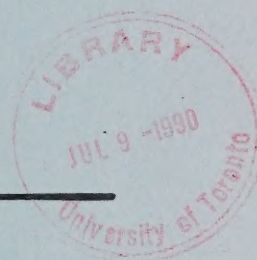
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ENVIRONMENTAL ASSESSMENT BOARD



VOLUME: 219

DATE: Monday, June 25, 1990

BEFORE:

A. KOVEN, Chairman

E. MARTEL, Member

FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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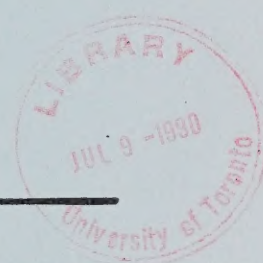
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the offices of the Ontario
Highway Transport Commission, Britannica
Building, 151 Bloor Street West, 10th Floor,
Toronto, Ontario, on Monday, June
25th, 1990, commencing at 10:00 a.m.

VOLUME 219

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH)	MINISTRY OF NATURAL
MS. K. MURPHY)	RESOURCES
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. E. HANNA)	ONTARIO FEDERATION OF
DR. T. QUINNEY)	ANGLERS & HUNTERS
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MS. N. KLEER)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION

APPEARANCES: (Cont'd)

MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS
	OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	
MR. J. EBBS	ONTARIO PROFESSIONAL
	FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM
	ASSOCIATION OF ONTARIO
MR. D. COLBORNE)	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD)	
MR. R. REILLY	ONTARIO METIS &
	ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF
	FORESTRY (CENTRAL
	ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN
	DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY
	ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON
	WATCHDOG SOCIETY

APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>DALE MUNRO,</u> <u>MICHAEL R. INNES, Recalled</u> <u>WAYNE DOUGLAS YOUNG,</u> <u>LEN SUOMU,</u> <u>RICHARD DEAN FRY, Sworn</u>	39572
Direct Examination by Mr. Cosman	39577

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1269	OFIA/OLMA Panel No. 10 Statement of Evidence.	39565
1270	Binder containing Terms and Conditions of parties to EA Timber Management Hearing.	39566
1271	OFIA/OLMA Draft Terms and Conditions.	39566
1272	Interrogatory questions and answers from NAN, MOE, MNR re OFIA/OLMA Panel No. 10.	39567
1273	Three board-mounted documents to be referred to during OFIA/OLMA Panel No. 10 evidence.	39568
1274	Comparison summary of OFIA/OLMA and MNR Timber Management Planning Systems.	39568
1275 (reserved)	Hard copies of slides pertaining to MNR Interrogatory Question No. 21.	39672
1276	Sample operating map on scale of 1:15,840.	39687

1 ---Upon commencing at 10:00 a.m.

2 MADAM CHAIR: Good morning. Please be
3 seated.

4 Mr. Cosman?

5 MR. COSMAN: Good morning, Madam Chair,
6 Mr. Martel. Welcome to Panel 10, the last panel that
7 you will be listening to from Industry.

8 Just before opening, Madam Chair, I'd
9 just like to indicate to you, I'm assisted here today
10 by Mr. Paul Jewiss and also by Ms. Anna Castelo and Ms.
11 Robin Dodokin who are summer law students.

12 I have a number of exhibits to file with
13 the Board at the outset, and I wonder if I may do that
14 at this time.

15 MADAM CHAIR: Yes, Mr. Cosman.

16 MR. COSMAN: First of all, I have three
17 copies of the Panel 10 witness statement for filing
18 with the Board. (handed)

19 MADAM CHAIR: Thank you.. That will be
20 Exhibit 1269, and that is the OFIA/OLMA Statement of
21 Evidence for Panel 10, An Integrated Resource Plan
22 System for Timber Management.

23 ---EXHIBIT NO. 1269: OFIA/OLMA Panel No. 10
24 Statement of Evidence.

25 MR. COSMAN: Secondly, and in accordance

1 with my undertaking to you, Madam Chair, I have
2 prepared a binder of all of the terms and conditions of
3 all the parties and I will file that. You will have it
4 readily available in any one place if you wish to make
5 comparisons, and I would tender that as the next
6 exhibit.

7 MADAM CHAIR: Thank you, Mr. Cosman.
8 That is Exhibit 1270.

9 ---EXHIBIT NO. 1270: Binder containing Terms and
10 Conditions of parties to EA
Timber Management Hearing.

11 MR. COSMAN: (handed) And I have extra
12 copies which I will distribute in a moment, Madam
13 Chair, to anybody else who would like one.

14 Thirdly, and just because of the size of
15 the last exhibit, I have a separate exhibit for the
16 Ontario Forest Industries Associations and Ontario
17 Lumber Manufacturers Association draft terms and
18 conditions, and I would file that as the next exhibit.
19 (handed)

20 MADAM CHAIR: Thank you. The OFIA/OLMA
21 draft terms and conditions will be Exhibit 1271.

22 ---EXHIBIT NO. 1271: OFIA/OLMA Draft Terms and
23 Conditions.

24 MR. COSMAN: The next exhibit, Madam
25 Chair, I would tender would be the answers to

1 interrogatories for Panel 10. A number of questions
2 were asked, understandable since some new proposals
3 were being made. I have bound those interrogatories
4 and the answers to them in a volume which is readily
5 accessible to the Board when seeking to review them.

6 The organization of this document is,
7 firstly, the Nishnawbe-Aski Nation questions and
8 answers; secondly, the Ministry of the Environment;
9 and, thirdly, Ministry of Natural Resources, questions
10 and answers. That will be the next exhibit.

11 MADAM CHAIR: Are these all the
12 interrogatories you received for Panel 10?

13 MR. COSMAN: Yes. (handed)

14 MADAM CHAIR: Thank you, Mr. Cosman.
15 That will be Exhibit 1272.

16 ---EXHIBIT NO. 1272: Interrogatory questions and
17 answers from NAN, MOE, MNR re
 OFIA/OLMA Panel No. 10.

18 MR. COSMAN: Next, Madam Chair, and
19 mounted behind the witnesses, there is a document which
20 you saw but which was not marked as an exhibit during
21 the overview preparation, it is called: Timetable for
22 Plan Preparation, and it will be referred to by the
23 witnesses.

24 There are three board mounted exhibits
25 which will constitute that exhibit. I suggest we just

1 mark them as one and perhaps A, B, C.

2 MADAM CHAIR: Same title?

3 MR. COSMAN: Yes.

4 MADAM CHAIR: That will be Exhibit 1273.

5 ---EXHIBIT NO. 1273: Three board-mounted documents to
6 be referred to during OFIA/OLMA
Panel No. 10 evidence.

7 MR. COSMAN: And finally, Madam Chair -
8 and I hope this will be of some assistance to you - at
9 the scoping session you asked me to ensure that during
10 our evidence-in-chief we make it very clear what the
11 differences are between the MNR proposed planning
12 system and the planning system that is proposed by
13 Industry.

14 My witnesses have, in response to that
15 request, done that in a volume which I think will be
16 very helpful to you in following the evidence, and I
17 would mark that document. It's really a comparison
18 summary which I would tender as the next exhibit.
19 (handed)

20 MADAM CHAIR: Thank you, Mr. Cosman.
21 That will be Exhibit 1274, a Comparison of the OFIA and
22 OLMA and Ministry of Natural Resources Timber
23 Management Planning Systems.

24 ---EXHIBIT NO. 1274: Comparison summary of OFIA/OLMA
25 and MNR Timber Management
Planning Systems.

1
2 MR. COSMAN: And, Madam Chair, if I may
3 just ask you to, just by way of example, flip to Tab 1
4 in that exhibit and you'll see - and it's consistent
5 throughout - on the left-hand side you will have the
6 planning system as proposed by the two forestry
7 associations and on the right-hand side you have
8 Ministry of Natural Resources, and the date June 27th,
9 '89 is the date of their terms and conditions.

10 So what we have here is a comparison
11 between the proposed Industry planning system on the
12 left-hand side, and that is the same if you just flip
13 through the book on the one side, and the MNR system on
14 the other side.

15 There may be changes, and we know that
16 there is going to be filed by the Ministry of Natural
17 Resources a final set of terms and conditions on August
18 3rd, and any discussion that has taken place to date
19 with respect to any changes has been without prejudice
20 and, accordingly, any suggested changes cannot be put
21 before you at this time.

22 So what is before you is what is really
23 proposed in this Class Environmental Assessment. It is
24 the planning system as described in the Class EA
25 Document and the original terms and conditions as

1 proposed by Ministry.

2 MADAM CHAIR: Since January, '89 we have
3 had several changes that have been suggested to MNR's
4 terms--

5 MR. COSMAN: Yes.

6 MADAM CHAIR: --wording changes and so
7 forth; are they --

8 MR. COSMAN: To that extent those would
9 be incorporated. Those aren't really largely an issue
10 with respect to the comparisons.

11 The other thing is of course, and by its
12 very nature, this particular document which has been
13 prepared to assist us in taking the Board through the
14 evidence has the two systems in a highlighted point
15 form. Of course you will have to refer to the witness
16 statement which elaborates on this, the terms and
17 conditions of Industry and the oral evidence to get the
18 full picture, but this is really, I hope, a point form
19 comparison that will assist you to see where the
20 Industry's system differs from that of the Ministry of
21 Natural Resources.

22 And with respect to any changes that may
23 be made to the Ministry's terms and conditions, they
24 may be made -- or we will have them before we
25 reassemble, if this panel is not completed this week

1 because, as you know, we reassemble in the second week
2 of August, and we will have the final terms and
3 conditions on August 3rd.

4 And I will have to consider, once I
5 receive those, as to whether I will seek leave of the
6 Board at that time perhaps to ask the witnesses at that
7 time, since we don't have it now, if they could respond
8 to any of the changes.

9 But at this time I just wanted to let you
10 know, Madam Chair, that I've considered this. I am not
11 asking for it at this time, so there's no decision that
12 you have to make.

13 MADAM CHAIR: Thank you, Mr. Cosman. Did
14 we give that an exhibit number, 1274.

15 MR. COSMAN: At this time, Madam Chair,
16 would it be helpful to have the witnesses sworn?

17 MADAM CHAIR: Yes, Mr. Cassidy -- Mr.
18 Cosman.

19 MR. COSMAN: Mr. Cassidy has been here
20 more recently than I have.

21 MADAM CHAIR: That's right. We have
22 sworn Mr. Suomo in.

23 MR. COSMAN: No.

24 MADAM CHAIR: No, we haven't. All right.

25 MR. COSMAN: Yes, Mr. Munro and Mr. Innes

1 were sworn for the purposes of the overview statement,
2 so it's the other three witnesses.

3 MADAM CHAIR: Thank you. Would you
4 please approach the Board.

5 DALE MUNRO,
6 MICHAEL R. INNES, Recalled
7 WAYNE DOUGLAS YOUNG,
8 LEN SUOMU,
9 RICHARD DEAN FRY, Sworn

10 MR. COSMAN: Madam Chair, at this point
11 in time, just with your leave, copies of some of the
12 documents that the parties don't have are going to be
13 distributed so that they will be able to follow, such
14 as the comparison document.

15 Madam Chair, to give you the structure of
16 the evidence for Panel 10, I would ask you to turn to
17 the Index of Exhibit 1274, the comparison document, and
18 if you would also open the witness statement for Panel
19 10, Exhibit 1269 to page 2, Table of Contents, that is
20 not the small Roman numeral ii at the beginning, but
21 page 2 once the summary and the CVs are completed.

22 MR. MARTEL: Is that the Table of
23 Contents as well, Mr. Cosman, for both?

24 MR. COSMAN: Table of Contents, yes. I
25 would like to just put before you the Table of Contents
26 for the witness statement and the index for the summary
27 document, and I'm just going to give you a brief

1 overview as to how the witnesses will be approaching
2 this evidence.

3 You will see in the comparison, the blue
4 covered comparison document, in the index there are
5 five tabs and the tabs are -- next to the tabs are the
6 name of a witness, and this is the order in which the
7 witnesses will be testifying,

8 So at Tab 1 you'll find Mike Innes' --
9 the comparison between the MNR system and the Industry
10 system and you will have the nature of that evidence in
11 the bullet structure of the planning system.

12 And if you might want to add, just if you
13 would write in just next to that, this correlates with
14 Part 2 of the witness statement, and if you'll see, if
15 you're going back to the Table of Contents, you'll see
16 Part 2, An Integrated Resource Management Planning
17 System, and that has the description of the tri-level
18 system, and that is the part of the evidence that will
19 be addressed by Mr. Innes.

20 With respect to Tab 2, Mr. Munro, he will
21 be dealing with two things; he will be dealing with the
22 separation of the pre-planning components and the plan
23 production review and approval components of the
24 planning process, and he will also be dealing
25 separately with the enhanced planning process. Those

1 are to be found at 3.1, 3.2 and 3.8 of the witness
2 statement.

3 At Tab 3 you will see Mr. Dick Fry's
4 summary of comparisons and he will be dealing with two
5 elements -- two components of the planning system; plan
6 production and plan review, and these are correlated
7 with 3.3 and 3.4 of the witness statement.

8 At Tab 4, Mr. Wayne Young's evidence, and
9 he will be dealing with guides and guidelines,
10 supplementary documentation and access planning, and
11 this is found in the witness statement at 3.5, 3.6 and
12 3.7. That is starting at the bottom of page 2 of the
13 Table of Contents of the witness statement and going
14 over to the top of page 3.

15 And finally, Mr. Len Suomo - and you
16 pronounce each syllable, Madam Chair - will be
17 addressing bump-up, plan amendments and the annual work
18 schedule, and this in the witness statement is 3.10,
19 3.11 and 3.12.

20 Now, Madam Chair -- and that completes
21 the structure of the evidence that you are going to be
22 hearing over the next day or so.

23 I don't know if I said it, but I believe
24 that this evidence will carry over into the morning,
25 but just for purposes of the record and for the

1 guidance of my friends, it will not carry over too late
2 into the morning tomorrow and so that the next party
3 should be ready to cross-examine tomorrow morning.

4 By way of a brief opening, and before
5 introducing the witnesses themselves, it is Industry's
6 view that the Ministry of Natural Resources has built
7 since 1980 a timber management planning system that is
8 workable, that protects other users' values, while at
9 the same time serving the needs of the people who live
10 and work in the forestry industry in northern Ontario
11 but, like any system, it can be improved.

12 The registered professional foresters
13 working for Industry have through their associations,
14 the Ontario Forest Industry Association and the Ontario
15 Lumber Manufacturers Association, and with the support
16 of their management, developed proposals to improve the
17 timber management planning system that the Ministry has
18 put forward, and we have those proposals before us at
19 this time.

20 And you will see when you review this,
21 Madam Chair, that it's not from a narrow perspective
22 but from the broad perspective of meeting the needs of
23 all users of the forest that Industry has approached
24 its task, and I suggest to you that this is not
25 surprising, and you will know that from having heard

1 the evidence to date, because people who work with
2 these foresters know they have a genuine commitment to
3 the environment, a commitment that's not academic or
4 polemic, they inhabit the environment along with their
5 neighbours that they are now discussing.

6 Industry recognizes that an effective
7 planning system is critical. In the swirl of
8 half-truths and misconceptions about the forest
9 industry, a number of basic principles must by now have
10 become evident to the Board.

11 Firstly, that Industry accepts the need
12 to plan and does so effectively, and we have evidence
13 how the FMA plans have worked since 1980, and when this
14 hearing is all finished, as you know, these very same
15 planners will be going home to implement the decisions
16 that you make; secondly, public understanding of the
17 planning process assists, not impedes Industry, and the
18 Industry support for a more open system is genuine;
19 and, thirdly, accommodation of the reasonable
20 objectives of other users is accepted fully by
21 Industry.

22 And what you will hear in the evidence to
23 come is how this planning system has behind it these
24 very principles.

25 To introduce the witnesses, I would ask

1 you, Madam Chair, to turn to the witness statement
2 Exhibit 1269, and both Mr. Innes and Mr. Munro were
3 introduced to you during the overview, I won't take
4 just a moment to reintroduce them without going through
5 their resumes in any depth at all.

6 DIRECT EXAMINATION BY MR. COSMAN:

7 Q. But Mr. Innes, first of all, you are
8 a registered professional forest and graduate of the
9 University of Toronto?

10 MR. INNES: A. That's correct.

11 Q. And you have worked for Abitibi-Price
12 since 1980?

13 A. Correct.

14 Q. And your present position is manager
15 of forestry for that company?

16 A. Yes.

17 Q. One thing I would like to add that
18 was not before the Board at its earlier attendance is
19 the experience that you have and have had over the
20 years in working on timber management plans.

21 A. Would you like me to add to that?

22 Q. Yes, please.

23 A. Madam Chair, Mr. Martel, I had
24 experience in writing timber management plans under the
25 old MNR system and the last one of those I did was

1 about 1970 under the old planning system.

2 Since that time I've been more on the
3 administrative side of our company and I've supervised
4 the preparation of four -- three plans now under the
5 FMAs and a fourth one is now under progress at Spruce
6 River Forest at the Lakehead.

7 Q. Thank you. Mr. Munro, you were also
8 introduced at the time of the overview but, again, just
9 to put before the Board your experience on the timber
10 management planning side, as I understand it, that
11 since November, 1984, you have been chief forester for
12 Boise Cascade Woodlands Division in Kenora?

13 MR. MUNRO: A. Yes, Mr. Cosman.

14 Q. And you reside in or near Kenora?

15 A. I reside in Kenora.

16 Q. Would you please inform the Board as
17 to your experience in working on timber management
18 plans?

19 A. I have prepared three operating plans
20 under the old system. I prepared three 20-year
21 management plans under the old system, and I have
22 recently supervised the preparation of two operating
23 plans under the current system.

24 MR. COSMAN: Madam Chair, I would ask you
25 to pass over Mr. Munro's resume and I take you to page

1 xv - Roman numeral 15 - which is the resume of Mr.
2 Richard Dean Fry and whom you have not met yet.

3 Q. And, Mr. Fry, you are an employee of
4 Buchanan Forest Products Limited and you reside in
5 Manitouwadge, Ontario; is that correct?

6 MR. FRY: A. I am an employee of
7 Buchanan Forest Products and my office is in
8 Manitouwadge but I reside in Marathon, Ontario.

9 Q. Okay. You are a forester, a graduate
10 of the University of Toronto?

11 A. That is correct.

12 Q. And that was in 1965?

13 A. That's correct.

14 Q. And you received seven academic
15 scholarships during your undergraduate years including
16 the Commonwealth Forestry Bureau's prize as the top
17 graduating student.

18 In terms of professional experience, your
19 present position is that of chief forester for the
20 Eastern Division for Buchanan Forest Products?

21 A. That is correct.

22 Q. And briefly, what are your
23 responsibilities in that position?

24 A. In that position I'm responsible for
25 planning the operation of -- an operation that provides

1 somewhere in the range of 700,000 cubic metres of wood
2 annually to meet the requirements of my own company's
3 sawmills plus wood that may travel to -- pulpwood that
4 may go to other pulpmills owned by other parties,
5 veneer mills and to particleboard mills at other
6 locations too.

7 Q. Before that position you had
8 experience with American Can (Canada) Inc. as their
9 chief forester in Marathon, Ontario?

10 A. That's correct.

11 Q. And you were staff forester with that
12 company before that?

13 A. True.

14 Q. And at page Roman numeral xvii, your
15 early experience was with the Ministry of Natural
16 Resources where you moved from the position of project
17 forester to unit forester in the Geraldton District to
18 the forest management supervisor of the Terrace Bay
19 District?

20 A. That's correct. I would like to
21 point out that most of my career as a forester has been
22 on the Big Pic Management Unit and for a fairly large
23 portion of it had some degree of responsibility for the
24 Black River FMA as well. So I've tried to stay fairly
25 close to my roots.

1 Q. You feel you know that unit quite
2 well?

3 A. I think I do.

4 Q. At page Roman numeral xviii you set
5 out a number of your papers and lectures. I won't go
6 through those, but just in the last two years you have
7 written a Silvicultural Guide for the Poplar Working
8 Group in Ontario, and you have participated in timber
9 management planning workshops on the stand allocation
10 process?

11 A. I would just like to correct you on
12 the poplar working group, I was a co-author of that
13 publication.

14 Q. Thank you, Mr. Fry. And you are a
15 member of a number of professional associations
16 including the Canadian Wildlife Federation.

17 A. That's right.

18 Q. And you have other activities and
19 interests in the community, which we won't go through,
20 but they include everything from involvement in minor
21 hockey, to curling, to the figure skating club of your
22 community, to the directorship of the Wilson Memorial
23 Hospital in Marathon?

24 A. That's correct.

25 Q. Mr. Wayne Young, at (xx) - whom you

1 have not met, Madam Chair - you reside, Mr. Young, in
2 Cornwall where you are employed by Domtar Inc.?

3 MR. YOUNG: A. Yes, Mr. Cosman that's
4 correct.

5 Q. By way of educational background, you
6 have your Bachelor of Science in Forestry from Lakehead
7 University in Thunder Bay?

8 A. Yes.

9 Q. And that followed a diploma in forest
10 technology at the same college?

11 A. Yes.

12 Q. In terms of professional practice,
13 you are at the present time Superintendent of Forest
14 Management for Ontario for Domtar, their forest
15 products division?

16 A. Yes, that's correct.

17 Q. And what do you do in that position,
18 sir?

19 A. My responsibility is the
20 co-ordination of our forest management programs in our
21 Ontario divisions including two FMAs, one a company
22 unit and numerous parcels of private land holdings.

23 Q. Before moving to Cornwall in 1989,
24 you were some time in Red Rock, Ontario. You were the
25 resident forester from 1981 to -- you were management

forester then the resident forest from 1981 to 1989.

So you were eight years in Red Rock?

A. I was a total of 10 years there.

Q. Ten years, thank you. If I can take you just to Roman numeral page xxii, at the bottom of that page you have your various memberships and associations from Ducks Unlimited, Ontario Forestry Association, Ontario Federation of Anglers & Hunters, et cetera.

You indicate on page xxiii a number of training workshops that you have been involved in, and on page xxiv you list the timber management plans that you have worked on. I wonder if you can just go through those briefly to give the Board your background in that area?

A. Yes, Mr. Cosman. I was involved in writing a 20-year management plan for our forest management agreement on the Lake Nipigon Forest and also a 20-year management plan on the Domtar/Armstrong management unit that was pre-current Ministry planning systems, the old planning systems.

I was also responsible for writing three five-year operating plans for those areas; two for the Lake Nipigon Forest and one for the Armstrong Forest.

I have also recently reviewed a timber

1 management plan prepared by our staff in Red Rock for
2 the Armstrong Forest the Domtar/Armstrong management
3 unit which was written under the current system.

4 Q. Thank you. And I didn't ask you, Mr.
5 Fry, to give your experience in working on timber
6 management plans, actual field experience. Can you
7 please assist the Board there?

8 MR. FRY: A. Certainly. When I first
9 started off with the Ministry of Natural Resources I
10 was responsible for the review or the compliance of the
11 two operating plans that had been prepared by the then
12 company of American Can (Canada) Inc. for the Big Pic
13 management unit.

14 Subsequent to my move to the private
15 sector, to American Can, I was responsible for the
16 preparation of a forest management plan that was
17 prepared under the original system by the Ministry of
18 Natural Resources and for supervising the preparation
19 of an operating plan for the company.

20 Subsequently to that when the new timber
21 management planning system came into effect I was
22 responsible for the preparation of a timber management
23 plan for the Big Pic management unit, and I am
24 currently involved in the preparation of a timber
25 management plan for the Black River Forest management

1 area.

2 Q. Thank you. Finally, last but not
3 least, Mr. Suomo, your resume is found at page xxvi. I
4 wonder if I can ask you, sir, you are also a forester?

5 MR. SUOMO: A. Yes, I am.

6 Q. And you're a University of New
7 Brunswick graduate?

8 A. Yes.

9 Q. And that followed a diploma in forest
10 technology at Lakehead College?

11 A. Yes.

12 Q. You are an employee of Canadian
13 Pacific Forest Products Limited in Dryden and that is
14 where you reside?

15 A. I reside in Waldof.

16 Q. All right, thank you. Dryden is the
17 largest community that I know in the area. Your
18 position is that of chief forester for Dryden Woodlands
19 for Canadian Pacific Forest Products Limited and you've
20 had that position since May of 1985?

21 A. That is correct.

22 Q. Can you tell me, sir, what your
23 responsibilities are in that position?

24 A. As the chief forester in the Dryden
25 Woodlands I'm responsible for developing the Dryden

1 Woodlands forest management program which includes two
2 forests, both the Wabigoon Forest and the Trout Lake
3 Forest. I am also responsible for the supervision of
4 those management plans and basically co-ordinating all
5 the forest management activities within that Woodlands
6 Division.

7 Q. All right. And before 1985, where
8 you assumed your present position you were division
9 manager for Great Lakes Forest Products Limited in Ear
10 Falls. What did you do there, sir?

11 A. This position was an operational
12 position which I was basically responsible for
13 overseeing all the activities on the Trout Lake Forest.
14 Prior to -- or in the original year that I was there,
15 1980 to 1983, we were negotiating an FMA which was the
16 first one in the Dryden Woodlands and part of that
17 responsibility was to oversee the negotiations, and
18 once the FMA was in place, to see that the
19 responsibilities were undertaken on that forest.

20 Q. On Roman numeral page xxviii, you set
21 out that you actually came to forestry from a career as
22 high school teacher with the Espanola Board of
23 Education?

24 A. Yes.

25 Q. And, sir, just over on page xxix you

1 set out your professional affiliations, again your
2 community involvement?

3 A. Yes.

4 MR. COSMAN: Madam Chair, I would tender
5 these witnesses as registered professional foresters
6 qualified to testify as experts on timber management
7 planning.

8 And my first witness, will be Mr. Innes
9 and I would ask you, Madam Chair, to turn to Tab 1 of
10 the comparison document, and actually if you have that
11 in front of you during the evidence it might be of some
12 assistance.

13 Q. But, Mr. Innes, before going to your
14 testimony on the planning system, I want to ask you a
15 number of general questions.

16 Now, the Ministry of Natural Resources
17 has built a planning system largely around a locally
18 constituted planning team; that is, a planning team at
19 the local level. We know from the overview that
20 Industry is proposing a three-tiered system of public
21 and government committees at the district, regional and
22 provincial levels.

23 So before going into any detail, why this
24 proposed change?

25 MR. INNES: A. The proposed change,

1 Madam Chair, stems from the fact that we, first of all,
2 believe that the MNR planning system functions and
3 functions very well and allows us in fact to get the
4 job done at a ground level; however, it is a system
5 which has been in place for a number of years and we
6 think times have changed a bit since it was originally
7 designed; and, furthermore, there is a great more --
8 great deal more public interest in timber management
9 planning and the uses of the forest and probably a
10 better desire by the public to understand exactly what
11 is going on and to make input into that.

12 So our proposal gives more scope for the
13 public to make input to the timber management planning
14 system, it also provides a mechanism for the public to
15 better understand what is actually happening in the
16 planning system, and by the separation of the database
17 from the plan itself it allows a closer scrutiny of the
18 technical underpinning of the decisions behind the
19 planning system, and it also gives, we think, a more
20 readily understandable plan at the ground level.

21 All in all, it's meant to be perhaps more
22 functional from the point of view of being easily
23 understood, being more user friendly for input and
24 being more readily understood at a ground level, and of
25 use to those, both who implement it and those who must

1 understand in terms of impact upon what happens within
2 the forest.

3 I do want to stress though that we do
4 think the MNR planning system does work, and perhaps I
5 can give an example of that now. This week
6 Abitibi-Price is celebrating the planting of the
7 54-millionth tree.

8 Q. I'm sorry, how many?

9 A. The 54-millionth tree under the
10 Iroquois Falls Forest management agreement and when you
11 add that to what's been planted at the Thunder Bay FMA,
12 which came in place in 1981, we are up over 90-million,
13 and when you add that to what we have done on our
14 freehold, we're up over a hundred million trees. So
15 there's no question in my mind that the MNR planning
16 system does work.

17 What we take this proposal before you,
18 Madam Chair, as is something which is a refinement to
19 that and something which is perhaps more relevant to
20 the time that we are now in and assists the public to
21 make input into it.

22 Q. If I may ask you to turn to your
23 witness statement and at page 7 in the fifth paragraph,
24 just before the description of the resource planning
25 system, the opinion is stated that --

1 MR. MARTEL: What page, Mr. Cosman?

2 MR. COSMAN: Page 7, not Roman numeral 7.

3 It follows the Table of Contents.

4 Q. In the introduction section to all of
5 the evidence that Industry is putting forward, as well
6 as its proposals, you state in the fifth paragraph:

7 "The Industry holds the opinion that
8 there is a more effective process for
9 planning and implementing timber
10 management activities in Ontario."

11 And that:

12 "Industry in this statement of evidence
13 is recommending a more effective process
14 for timber management planning within
15 the area of the undertaking."

16 And a specific interrogatory was asked in
17 relation to that, and I would ask you to turn to it, if
18 you would; that is, MNR Interrogatory No. 2.

19 Now, if you turn to the book - answers to
20 interrogatories - that is Tab 3 for the MNR, and it's
21 the second page in. And with respect to part (b) of
22 that question which quotes what I've just indicated to
23 you:

24 "Why does Industry feel it's proposed
25 process is more effective?"

1 To a certain extent you've answered with
2 your last answer, but I wonder if you, with this
3 specific answer in front of you, would amplify it
4 further.

5 MR. INNES: A. Madam Chair, Mr. Martel,
6 I underlined nine points last night when I was
7 revisiting this question, and as you look at them --
8 perhaps I can just go through briefly.

9 There is an opportunity for public
10 consultation and participation, there is increased
11 opportunity in our estimation; there's greater
12 opportunity for the public to understand the technical
13 decisions underpinning the management strategies of the
14 particular resource.

15 Q. Slow down a little bit, if you would,
16 Mr. Innes.

17 A. Certainly. Not just timber, but the
18 other resources which have a timber component involved
19 with them, so it's greater than just the timber
20 component there; it provides for a more direct
21 involvement with individuals having specific concerns
22 because it has an independent audit of management plans
23 which permits the incorporation of the results in
24 succeeding plans, as we stated in our overview a few
25 months ago; it clearly identifies the plan author as

1 the person responsible for the achievement of the plan
2 targets and it will produce a plan which will be more
3 easily understood by the public and, therefore, we
4 think will be of greater relevance to the plan
5 implement.

6 And with the ones that I've underlined,
7 Madam Chair, I come up with nine reasons in there why
8 we think this is a more effective process than the one
9 we currently are operating under at the present time.

10 Q. If I may ask you to turn to - turn
11 back a page, Madam Chair, to Question 1, the first
12 interrogatory from the Ministry of Natural Resources
13 and it's 1(b) - and let me just read it to you, Mr.
14 Innes.

15 The statement is made -- this is at page
16 5, paragraph 1, so maybe we should turn back as well in
17 the witness statement to it. It's part of the
18 introduction, the very first paragraph.

19 The statement is made that:

20 "All Crown land, whether managed by the
21 Ministry or the Crown, should be managed
22 in a fashion such that the forest-based
23 resources are managed on an integrated
24 basis."

25 And it's with respect to the second

1 question that the Ministry of Natural Resources asked,
2 it's under (b):

3 "Is the statement intended to indicate
4 that in Industry's view all resources
5 must be managed within the same planning
6 process with one forest resource
7 management plan incorporating all of the
8 management decisions for all resources?"

9 What sir, is your answer to that, and
10 taking into account the answer given to the
11 interrogatory as well?

12 A. We're obviously talking about timber
13 management in this process, Madam Chair, Mr. Martel,
14 but we're talking also about the other programs for
15 which there is a timber management component, for
16 example, the type of habitat that's suitable for moose
17 would be a timber management component within the
18 overall moose management program.

19 So what we're saying is that the timber
20 management components of the programs for other values
21 should be identified and translated into the timber
22 management plan and should form a component of that
23 because they really are a timber management activity
24 which goes on within that plan.

25 So it's the production of timber and also

1 the production of the other components of programs
2 other than timber which are either impacted upon or
3 impact upon the timber management program.

4 Q. And in your answer, or in Industry's
5 answer to Question 1 in the middle part of it on the
6 bottom of the -- or in the middle of part (b), Madam
7 Chair, it is stated:

8 "It would be misleading to suggest that
9 planning for those values...", that is,
10 other resource values,

11 "...would take place in the planning
12 process for timber management."

13 What is meant here?

14 A. What is meant there is that there are
15 very well constructed management strategies, as I
16 understand it, for other resources such as fisheries,
17 wildlife management, the featured species therein, the
18 incorporation of tourism values, et cetera, and all
19 those of individual management programs are outside the
20 actual timber management planning process.

21 As we understand it, they are handled
22 separately within MNR, and in our mind we are dealing
23 here with a timber management plan and what we do is to
24 extract the timber management components from there,
25 and we make no pretense to include within the timber

1 management plan those carefully constructed plans and
2 strategies for total management of the other values.

3 Q. Now, if I may ask you to turn to page
4 9 of your witness statement where it is proposed that
5 three advisory committees be established as part of the
6 planning system.

7 I would ask you at the same time to turn
8 to Tab 1, that is the summary comparison document and,
9 Mr. Innes, was that summary comparison document
10 prepared by you?

11 A. Yes, it was.

12 Q. All right. Now, perhaps using the
13 comparison document as the base document and then
14 moving to the witness statement as you consider
15 appropriate, would you please describe the structure of
16 the advisory system that is proposed, comparing it to
17 the advisory system that is in place at the present
18 time?

19 A. Very well. We are speaking of a
20 tri-level advisory committee structure, and may I
21 stress that it is advisory, that the decision-making
22 authority rests with the Ministry of Natural Resources,
23 and these individual committees in the tri-level
24 structure are advisory in assisting MNR by reviewing
25 programs and advising them.

1 The tri-level committee structure is made
2 up of a policy level committee which is at the senior
3 level, at the regional level there is a regional
4 integrated resource user committee, and at the
5 management unit level there are two committees, one a
6 local citizens committee and the other a
7 multi-disciplinary technical group.

8 Q. Did you indicate there was one or two
9 committees at the policy level?

10 A. At the policy level there is a major
11 senior level policy committee, but also a technical
12 committee which resides at that same level, Mr. Cosman.

13 I should mention that at the management
14 unit level the accommodation of the local citizens
15 committee and the multi-disciplinary technical group
16 replace the MNR planning team, that's a replacement of
17 those two.

18 This tri-level committee structure was
19 very carefully thought out by us and it's meant to give
20 input and advice to MNR at three distinct planning
21 levels. Furthermore, it's meant to work in such a way
22 that information flows down from the top, from the
23 senior level, but also flows up from the bottom level
24 as well. So there's a constant interchange of
25 information between these three levels of committee and

1 also, therefore, between the three planning levels
2 within the province at the provincial, at the regional
3 and at the local.

4 We think this is very important because
5 things change, new techniques come into play, new
6 public pressures come into being and, therefore, it's
7 appropriate that we have a flexible system that allows
8 the Ministry to incorporate into its plans and planning
9 system changing values in terms of changing scientific
10 information or in terms of changing societal values and
11 allows for a more flexible process and as much input
12 into the system as is possible.

13 The MNR side, as we understand it, in the
14 way they handle the timber management planning process,
15 has at the lowest level a planning structure which is a
16 multi-disciplinary planning team which is made up of
17 members from within MNR, and I will talk about that in
18 some detail a little later on.

19 Beyond that everything is handled
20 internally in MNR at the regional and the head office
21 level but, as we understand it, there are no formal
22 committee structures there to allow public input on a
23 continuous basis, which is in contrast to the way that
24 we have designed this tri-level committee structure,
25 Madam Chair.

1 Q. Before going to the committees
2 themselves, you have indicated that their role is
3 advisory with the Ministry being the ultimate
4 decision-making authority. Why is that not the first
5 part of it but the second part of that question?

6 A. The legal responsibility for
7 management of the Crown lands of Ontario and the timber
8 resource of Ontario rests with the Ministry of Natural
9 Resources, and we recognize that, and we're suggesting
10 there be no change from that in any way; we're quite
11 happy with the way that works, we think it should rest
12 that way.

13 So we've kept, in essence, these
14 committees as advisory committees, recognizing that
15 advice I think will be taken in good faith, as it is
16 given in good faith, and we hope that the committee
17 structure we put together is sufficiently potent, that
18 it will be very good advice and very well received by
19 the Ministry, so we see no change in the basic
20 decision-making structure.

21 MR. COSMAN: And I'm not suggesting,
22 Madam Chair, that you have any legal authority to
23 change that in any event, but I just wanted to talk
24 about how our process fits into that legal reality.

25 Q. Now, I ask you, Mr. Innes, to turn to

1 the policy level, the senior provincial policy level
2 committees, the two committees you have described, and
3 tell us a little bit more about them. What is the,
4 first of all, the senior level policy committee, which
5 is 1A, on your comparison summary?

6 A. The senior level policy committee is
7 constructed to review policy as it affects timber
8 management, and we see this as being a very high level
9 committee dealing at a provincial level and, as a
10 result, it would be chaired by the Deputy Minister of
11 Natural Resources, and it would be comprised of quite
12 senior people to be appointed by the Minister of
13 Natural Resources. And we have suggested, Madam Chair,
14 a list of membership from at least the organizations
15 that are listed on page 10 of our evidence statement,
16 in terms of Ontario Parks Council, NOTOA, Federation of
17 Anglers & Hunters, Provincial Association of Chambers
18 of Commerce, Ontario Forest Industry, Forests for
19 Tomorrow, Ontario Trappers Association, Ontario
20 Association of Municipalities, Native Peoples'
21 Organizations, Ontario Campers' Association and the
22 OPFA.

23 This is not, in our mind, meant to be an
24 exhaustive list but rather indicative of the types of
25 organizations which should be represented on this.

1 Q. And what would the role of that
2 committee be?

3 A. The role of the committee would be to
4 review MNR policies that affect the management of the
5 timber resource, and this is not just within MNR, but
6 also those elements of policy that come from other
7 ministries.

8 For example, once this committee had a
9 look at the MNR policies for timber management and also
10 looked at the MNR policies for wildlife management and
11 the components of wildlife that impacted upon the
12 forest, we suggest that it would go on and fully
13 understand what the implications were for those non-MNR
14 policies, such as from the Ministry of Tourism perhaps
15 for the tourism component there, maybe from the
16 Ministry of the Environment in terms of how water
17 quality was affected by the timber organizations and
18 operations on the ground level.

19 So it would review the relevance of MNR
20 policies, understand how they fit together, and
21 understand the impact of other Ministry policies upon
22 the timber management resource.

23 Hopefully this group would reflect
24 societal pressures, changes in societal pressures and
25 the needs that society felt should be provided from the

1 management of the timber resource, and probably also
2 the forest resource, although in this particular case
3 we're dealing solely with the timber management
4 resource here.

5 Q. And the components of other resources
6 that they affect timber management?

7 A. That's correct, either affect or are
8 affected by timber management. So this is the one
9 central place where all this would come together, and
10 at the moment we don't see any such committee in
11 existence in Ontario that operates in this fashion.

12 Certainly there's a Parks Council, there
13 are other councils, there's a wildlife stakeholders
14 committee I understand, but nothing brings it
15 altogether in terms of the forest resource base as it
16 affects timber management and timber management affects
17 it.

18 So this is a focal committee to advise
19 MNR at the most senior level possible.

20 MADAM CHAIR: And how large would you
21 think this committee would be, Mr. Innes?

22 MR. INNES: We have noted about 10 here,
23 Madam Chair. I don't think it would get much bigger
24 than about 15, in my estimation. It would be a fairly
25 compact committee of quite senior level people.

1 MADAM CHAIR: And it would be appointed
2 by the MNR?

3 MR. INNES: It would be appointed by the
4 Minister of Natural Resources and chaired by the Deputy
5 Minister of Natural Resources.

6 MR. MARTEL: Who would name -- for
7 example, if one were to consider someone from the
8 Ontario Parks Council or from NOTOA, would you expect
9 that the various groups would nominate somebody within
10 their group to be the designated person for this
11 committee, or would you anticipate that MNR could, on
12 its own, simply decide who from a specific field they
13 wanted on the committee?

14 MR. INNES: If I was the Minister of
15 Natural Resources, Mr. Martel, what I would do in this
16 case would be to explain to that organization the level
17 at which this committee would work, the policy
18 implications of its discussions, and ask them to
19 nominate somebody who would be appropriate to deal at
20 that level of authority within the organization.

21 MR. MARTEL: It would be like the new
22 Senate?

23 MR. COSMAN: We won't get into that.

24 Q. We now take you, sir, to the
25 technical committee at the provincial level -- unless

1 Mr. Martel wants to, of course.

2 MR. INNES: A. The technical committee
3 is an interesting one, in our mind, because we have
4 proposed, as you may recall from our overview, that the
5 guidelines be restructured from what they now are into
6 something more of an operational type of thing that
7 outlines the scope of management practices which can be
8 undertaken on the ground with acceptable environmental
9 impact with known results and provide, thereby, a scope
10 of activities that professional foresters can choose
11 between.

12 Therefore, the guidelines become
13 extremely important in terms of being workable, of
14 being applicable at a local level and being in the
15 forefront of scientific knowledge.

16 To make all those things happen, we have
17 suggested that there be a technical committee at a
18 provincial level whose job it is to constantly review
19 the guidelines and make sure that they are at the
20 forefront of knowledge and are workable.

21 The responsibility of the technical
22 committee would be just that, with their job, first of
23 all to review the existing guidelines and then after
24 that to periodically update them either in light of new
25 knowledge or in response to pressures coming from a

1 field level that says these things must be changed or
2 looked at in terms of change.

3 Because the guidelines are so important
4 this committee is put at a senior level, it has as its
5 membership professional people on this with the
6 appropriate level of education in their discipline and
7 also with relevant practical experience in their
8 resource field, and we do stress the word relevant
9 practical experience because the guidelines have to be
10 workable at a ground level.

11 So at a start -- and we see this being
12 broad, Madam Chair, in terms of there being a broad
13 representation of the disciplines on this, such as a
14 forester biologist, wildlife biologist, a fisheries
15 biologist, an ornithologist, an engineer, et cetera.
16 So we have an interdisciplinary group here that will
17 review the guidelines and make sure that they are
18 appropriate and workable at a ground level.

19 MADAM CHAIR: And these members, Mr.
20 Innes, would be drawn from government and other groups?

21 MR. INNES: Madam Chair, we see these
22 coming from anywhere that would give the best technical
23 advice and, in fact, I would see appropriate that you
24 had to bring somebody to this committee who happened to
25 be the authority on moose habitat management from

1 Finland for example, you would bring a person in for a
2 short time to this committee to make the appropriate
3 input to this.

4 So we're looking for the absolute best
5 professional input with technical information that we
6 can get here.

7 MR. COSMAN: Q. So that in that regard,
8 Mr. Innes, there would be persons from within the
9 Ministry, from within other ministries, or from the
10 academic community or from elsewhere, all as part or
11 available to serve on such a committee?

12 MR. INNES: A. I would be searching for
13 the best possible source of professional technical
14 advice and, in that respect, I would not limit my
15 search to any given organization but rather within that
16 discipline itself in terms of knowledge from that
17 discipline.

18 Q. Why would the composition of the
19 committee be made up of professional disciplines as
20 compared to unprofessional or lay viewpoints? You make
21 the point that the technical committee is to be
22 restricted to professional disciplines.

23 A. The word professional to me means
24 that there are minimum standards that must be met prior
25 to a person being qualified to practice within that

1 area of discipline; therefore, if I can push that a
2 step further, what that means to me is that there is a
3 known underpinning of background information that makes
4 up that person's qualifications in terms of education
5 and also in terms of practice, as the professionals as
6 I understand it, have a minimum time of practice before
7 you can become qualified as a practitioner. For
8 example, foresters must have I believe two years of
9 field experience before they can re-submit their an
10 application to become an RPF, and I believe that's the
11 same in engineering or any other professions that are
12 out there.

13 So we're looking at a way of establishing
14 as high a standard as possible for that committee and
15 we're also looking beyond that for relevant field
16 experience so we end up with somebody -- with all
17 people hopefully on that committee who are
18 practitioners of at least a minimum standard and
19 hopefully with a demonstrated track record of
20 accomplishment, so we keep the guidelines at a highest
21 level as possible, at the highest level of scientific
22 information.

23 Q. Just one point before leaving the
24 senior level committees. If I may ask you to turn back
25 to page 10. At the bottom of page 10 you provide for

1 staggered appointments to the senior level policy
2 committee, and why is that?

3 A. The reason for that, Madam Chair, is
4 that there has to be a continuity in this thing and
5 carryover type of understanding because it's not going
6 to be easy for anybody to understand the complexities
7 of policy development in as broad an organization of
8 MNR alone, much less the other components that come in
9 from the other ministries, and understanding of where
10 societal pressures are coming from.

11 So rather than having to relearn this
12 process, we're suggesting that there be a formalized
13 process where people stay for a number of years and
14 then one third of the members would go and then there
15 would be a rotational process. So there would always
16 be a resident pool of understanding within this senior
17 level policy committee of two thirds of the members at
18 least having a long enough timespan that they would
19 understand the development of policy, the pressures,
20 and the changes, and the way the government has reacted
21 to those over time.

22 Q. Is continuity an important principle?

23 A. It's an extremely important
24 principle, Mr. Cosman, yes.

25 Q. I would now ask you to turn to page

1 13 and at Tab 1, Part II at the regional management
2 level you propose an integrated resource user committee
3 somewhere described as IRUC. Can you tell us, please,
4 why there should be a regional level committee?

5 MR. INNES: A. We had a lot of debate
6 about this one, and having debated it both ways as to
7 whether there was a need for this or not, the Industry
8 came up with a firm conclusion that there was a need
9 for a regional level committee, and you will note,
10 Madam Chair, that you don't see any parallel
11 organization within the Ministry of Natural Resources
12 here at a regional level.

13 We think there is need at a regional
14 level for what he've called an integrated resource user
15 committee because of the difficulty in translating the
16 Ministry of Natural Resources broad policies to a
17 regional level. At the moment we are talking about a
18 region being a geographic area, much the same as MNR
19 now has it. So it's a fairly significant area of the
20 province when we look at it this way.

21 And the geography, the forest type, the
22 stand structure, the wishes of the populace, the
23 demographics all change from region by region and,
24 therefore, we think there has to be some way of trying
25 to translate the broad government policies for the

1 province into something of a workable series of
2 guidelines and targets at a regional level and it may
3 be appropriate, for example, to highlight one area of
4 the province more than another in terms of say,
5 tourism.

6 Maybe the northwestern part of the
7 province has a greater tourism component than the
8 northeastern part of the province and, therefore, the
9 regional committee in looking at the broad provincial
10 goals and objectives would be able to focus more
11 intently upon how you translate the broad provincial
12 policy, say tourism guidelines, into something which is
13 appropriate for the northwest.

14 This has been done to some extent in the
15 way the Ministry of Natural Resources has put together
16 its strategic land use planning exercise, we had a
17 northeastern and a northwestern SLUP, and in the way in
18 which their guidelines are put together and their land
19 use planning, and we think this regional committee will
20 be something which will take a look at the broad areas
21 such as land use planning for the northwest and try and
22 translate things more explicitly in that region for the
23 individual programs.

24 To that extent we're trying to translate
25 policies into targets and one of the thrusts of our

1 whole planning process here is, as Dr. Baskerville
2 called it, adaptive management, where you try and set
3 very explicit goals and objectives and targets for an
4 area and you try and ensure that progress is made in
5 accomplishing those targets.

6 So the prime function of the integrated
7 resource user committee is not only to translate and
8 provide advice to MNR, to translate broad policies into
9 local regional targets but also to monitor the results
10 at a management unit level in terms of progress being
11 made towards these targets, and this is a crucial role
12 of this committee.

13 Q. And, sir, on page 14 of your witness
14 statement you describe the membership and operational
15 elements of such a committee. Just briefly, who would
16 constitute -- what kind of person or organization would
17 constitute the membership of the regional users
18 committee?

19 A. We see that the membership on this
20 committee virtually parallel to the senior level policy
21 committee in terms of organizations, but that it come
22 from a regional level, and we would see it appropriate
23 that the most senior level person available within that
24 region sit on this committee which is chaired by the
25 Ministry of Natural Resources Regional Director and

1 will be appointed by the Ministry of Natural Resources.
2 Hopefully, Mr. Martel, in much the same way as I've
3 suggested is appropriate at the senior level, but here
4 the regional director will make the request of these
5 organizations to send somebody to sit on this
6 committee.

7 Again we're talking about a two-year term
8 and although we don't state it in our text, Madam
9 Chair, again we would like to see a carryover on this
10 so there would be continuity within this committee.

11 It's a standing committee which will be
12 there, having perhaps four to five meetings a year.
13 This is a fairly onerous job because this committee has
14 to understand the technical aspects of management that
15 MNR undertakes when it manages the timber resource and,
16 as a result, there will be a steep learning curve for
17 this committee with MNR having to explain to them just
18 how these technical things work in terms of what is the
19 moose management strategy for this area and how do you
20 see the timber management component of that working.

21 MR. MARTEL: Can I ask a question then.
22 That being the case, if you're going to spend part of
23 your first year getting that background knowledge, why
24 wouldn't you have had consistency and allowed for a
25 three-year term as opposed to a two-year term?

1 First of all, in terms of consistency,
2 but secondly, if people are going to have to be
3 trained, it's going to take several meetings to start
4 to get those ideas across and almost at the end of the
5 first year you've only got one year left, and it seems
6 to me it would be wiser to try to have consistency
7 across these committees, despite the level.

8 MR. INNES: It's a good point, Mr.
9 Martel. There's a saw-off here, it may be sawed off on
10 the short end rather than the longer end in terms of:
11 One of the values in this committee, in our mind, is
12 the additional knowledge which these people pick up in
13 terms of understanding somewhat of the nitty-gritty of
14 how resource management is undertaken within their area
15 and, therefore, it's of value to them to take back to
16 their communities an understanding of how these
17 processes work.

18 So to that extent, yes, we'd like to run
19 people through it; on the other extent, we'd like to
20 have people there, and I certainly would have no
21 problem with three years and it may have to be longer
22 than that.

23 I guess one of the questions is: How do
24 you entice somebody to sit on a committee of this
25 level, to put that amount of time into it and is two

1 years too long or too short, I can't answer that. I'm
2 sorry, sir, but three years may be a more appropriate
3 level, I'm quite prepared to consider it.

4 MR. COSMAN: Q. Mr. Innes, do you think
5 there will be people in the communities, in the regions
6 who will serve on such a committee. And perhaps I can
7 also address that question to Mr. Munro, from your
8 experience?

9 A. I am certain that there will be
10 people in the communities who are quite interested in
11 that sort of thing who would be prepared to do this.

12 Our experience is, in talking with people
13 in the two areas in which Abitibi-Price operates, in
14 the Lakehead and Iroquois Falls, is there are many
15 people who really want to know what's going on and to
16 make input into that. So I would have no hesitation
17 saying yes, Mr. Cosman.

18 Q. Mr. Munro?

19 MR. MUNRO: A. I would agree with Mr.
20 Innes. Coming from the northwest, there is many people
21 that are more than qualified to participate and they do
22 want the opportunity to participate, and I think it can
23 only improve the process.

24 Q. Now, on the top of page 15 you
25 indicate one of the functions of the IRUC is to provide

1 recommendations regarding problems and issues which are
2 not resolved at a management unit level during plan
3 preparation. How would that work, sir?

4 MR. INNES: A. There's a structured
5 process for that, Madam Chair, which I think Mr. Munro
6 will go into at a later stage in the evidence-in-chief,
7 so I'll speak to it in broad terms.

8 We see that there should be some way in
9 which problems at a management unit level can rise in a
10 public forum to a higher level and that there be some
11 resolution of these. So, for example, if you are
12 trying to manage in a forest management unit at a
13 ground level and you find that you don't have a
14 database of information which allows you to set
15 specific targets, that for example would be highlighted
16 at a forest management unit district level and would be
17 brought to the integrated resource user committee level
18 when the plan author and the district manager make
19 their presentation to it and, say, one of the problems
20 we're having, IRUC, is that we can't really set a
21 target here because we don't have a database, and we
22 would expect the IRUC to highlight that and to comment
23 on that and to make recommendations to the Ministry to
24 fix that type of problem.

25 A second advantage is often problems are

1 common across a region but are not recognized by the
2 professional forester at a ground level in terms of
3 being too micro to understand the bigger implications,
4 and we think that the IRUC will provide a broader scope
5 for the examination of problems and also be able to
6 provide some advice in terms of: Well, we had this
7 before and the way it was handled then was, have you
8 thought about this or that type of thing.

9 This broadens the window of opportunity
10 in terms of problem solution. It also puts it in the
11 public forum and makes it mandatory in that respect and
12 simple to become aware. So we think that's important
13 part of the are committee.

14 MADAM CHAIR: What about those problems,
15 Mr. Innes, that are particularly difficult to solve
16 within any planning system, and those might be problems
17 where, I don't know, the public doesn't want spraying
18 of a herbicide or a tourist operator feels his business
19 will be threatened by an operation. Will those sorts
20 of complaints be taken up by the IRUC as well, or are
21 you looking more at the technical/operational aspects
22 of timber management?

23 MR. INNES: We are looking at both kinds
24 of those, Madam Chair. We have put into our planning
25 process something called an enhanced planning process

1 which is meant to try and resolve at a very local
2 level, through intense discussion, problems. If that
3 system fails at a local level, that problem will have
4 to surface and be brought to the IRUC and that would
5 be, for example, a non-technical problem in some areas,
6 or it might alternatively be a technical problem.

7 What we want to do is to get the problems
8 out in the open so they can be dealt with in perhaps
9 one of three ways; one way being through discussion at
10 the IRUC, another way being through modification of the
11 guidelines which provide the technical and operational
12 advice, and a third way being to have somebody on the
13 IRUC with a broader knowledge speak to this issue or to
14 implement what we call an interdisciplinary team which
15 is sort of a hit team, if you would, that would try and
16 address that problem and bring solution back to the
17 IRUC for recommendation to the Ministry of Natural
18 Resources. And if all those fail, the last avenue of
19 resort obviously is bump-up where it goes to full
20 bump-up and Environmental Impact Assessment for
21 resolution of that issue.

22 Is that responsive, Madam Chair?

23 MADAM CHAIR: Yes, thank you, Mr. Innes.

24 MR. COSMAN: Q. Now, I would like to
25 take you, Mr. Innes, to the timber management unit

1 level where you described two different committees, a
2 local citizens committee and the multi-disciplinary
3 technical group which would replace the existing MNR
4 planning team.

5 Can you tell us, please, what each of
6 these committees are and how they are constituted and
7 their purpose?

8 A. Certainly. The Ministry of Natural
9 Resources now has a multi-disciplinary planning team
10 which is made up from within MNR with any other outside
11 representation as the district manager considers
12 appropriate. This team prepares the timber management
13 plan under the supervision of an RPF.

14 Under our proposal, Madam Chair, we've
15 suggested that there should be a much greater focus
16 upon the registered professional forester as being the
17 plan author and, as a result, have structured two
18 committees to assist the plan author in the preparation
19 and review of the timber management plan.

20 These committees are a local citizens
21 committee, which is constituted locally and appointed
22 by the district manager of the Ministry of Natural
23 Resources, and also a multi-disciplinary technical
24 group which is much the same as what the MNR district
25 planning team in fact now is, it provides the technical

1 advice from the other programs, provides
2 interdisciplinary cross-over and advises the plan
3 author as to how the timber management components of
4 the other programs are in fact put together into the
5 timber management plan.

6 We think the local citizens committee is
7 a real plus in our mind, this is something additional,
8 because this is the local sounding board, these are the
9 people that have the greatest interest in the timber
10 management plan because the activities therein affect
11 them directly.

12 These are the people that know where the
13 values are that will help update MNR's values map,
14 these are the people that know the local concerns that
15 are going to debate these locally with the plan author,
16 and these are the people that are going to comment on
17 the management strategies and the targets and talk to
18 the plan author about appropriateness, about
19 applicability and relevance and whether or not there
20 are conflicts at a ground level.

21 This is the real sounding board in terms
22 of how the plan gets put together. This is the local
23 level input, the bottom up approach where the
24 information flows into the plan author where problems
25 are identified and where these can arise to meet at the

1 IRUC level, the policy coming down from the top. Very,
2 very crucial in our estimation.

3 We see this as a standing committee that
4 would not just be constituted as the planning team now
5 is for the preparation of the plan, but something which
6 would be there during the two-year plan preparation and
7 would stay in place thereafter to monitor the plan as
8 it goes along and to help in the assessment of the
9 audit results and to carry on in that fashion.

10 I think this is a very, very important
11 committee and we find that we can get meaningful input
12 by dealing with local people and, in fact, if I may say
13 so, Industry because we change our management foresters
14 very rarely from place to place has to live with the
15 decisions they make at a local level and, therefore,
16 it's of crucial importance to us that we have input at
17 a local level, fully understandable concerns and take
18 cognizance of them in our planning efforts, otherwise
19 we have to live with very unacceptable results and that
20 makes for a nasty timespan until the next plan gets
21 done.

22 So our thrust has been recognize local
23 results and incorporate them into the plan to the
24 extent that you possibly can; hence, we think the local
25 citizens committee is of great value to us to assist us

1 in the writing of the plan.

2 Q. And how would the multi-disciplinary
3 local technical group work in conjunction with that
4 committee?

5 A. The technical group is separate from
6 the local citizens committee which doesn't mean that it
7 won't have any contact with it, but at the moment they
8 are structured as two separate committees. We see the
9 technical group as providing the expertise to the plan
10 author in, for example, just what is the timber
11 management component again of the moose management
12 program.

13 Q. So you would have a moose management
14 specialist as a member of the technical group?

15 A. Indeed you would, and somebody who
16 could work very closely with the plan author and say:
17 Now, look we have a moose management target in this
18 area of "x" number of hectares of this type of over
19 wintering cover that we need to have, now how can I
20 work with you to try and get this built into your plan.
21 Furthermore, we see this technical expert in moose
22 management work with the management forester later on
23 in terms of laying out the area on the ground, so
24 there's a very close working relationship which you
25 would build up, not only in the planning part of it,

1 but in the operational part of it and implementation
2 part of it to assist in the implementation of this plan
3 for a meaningful accomplishment of these targets that
4 are in there.

5 So the technical group would be advisory
6 in terms of working with the plan author, it would
7 provide the discussion amongst the various disciplines
8 and it would also be available to answer those
9 technical questions which the local citizens group may
10 in fact have. Say, we don't really believe this target
11 here, is it realistic, could you have somebody from the
12 technical group come and sit down with us and explain
13 this to us, please. Those are all very real
14 possibilities that should go on, that should happen in
15 terms of interface between the plan author and these
16 two committees that we're proposing.

17 MADAM CHAIR: Will these technical
18 experts be drawn primarily from the Ministry of Natural
19 Resources?

20 MR. INNES: I think, Madam Chair, a
21 portion of them would be drawn from the Ministry
22 because there is expertise there, obviously, which is
23 most appropriate, but it's not limited to the Ministry
24 of Natural Resources in our mind and, for example, I
25 would expect somebody from the Ministry of the

1 Environment to sit on that committee, from the Ministry
2 of Culture and Recreation; if you were in an area which
3 had high impact from native communities, I would expect
4 there would be somebody from the native community whose
5 an expert in that area to be in there. Wherever the
6 expertise needs to be drawn from to make sure that
7 what's relevant goes into the plan, that would be drawn
8 upon.

9 MADAM CHAIR: And if you have the
10 situation where the views of the technical group were
11 in opposition to the views of the plan author, would
12 the district manager be the abitor, the person who
13 decided which way it would go?

14 MR. INNES: Yes, indeed that is the case.
15 We must never lose site of the fact that the district
16 manager, as an MNR representative, has the final say in
17 these things. I mean, the MNR holds the final approval
18 of these things. Under the Crown Timber Act the
19 authority for plan preparation rests with the
20 registered professional forester but the responsibility
21 for the acceptance of the plan rests with the Minister
22 of Natural Resources and, as such, we would see and
23 propose that the district manager in effect sign off on
24 the timber management plan saying that this is
25 acceptable to him or her at that district level, and

1 one of the signing sheets in the back of there - which
2 we will get to later on - has that explicit set of
3 words in it, which says: I am satisfied that these
4 technical things are in this plan to the way they
5 should be.

6 MR. COSMAN: Q. Mr. Innes, the planning
7 proposal of the two associations at the local level
8 provides that the local citizens committee and the
9 local technical group be advisory to the plan author in
10 the preparation of the plan. Does this increase the
11 power of the plan author at the local level from what
12 it is now?

13 MR. INNES: A. In my considered opinion
14 it no way changes the situation from the way which it
15 now is.

16 Q. Why is that, why do you say that?

17 A. I say that because there are very
18 explicit instructions under the Crown Timber Act as to
19 what the plan author as a registered professional
20 forester must do and, at the same time, the Ministry of
21 Natural Resources -- and that's followed now,
22 explicitly the way it's laid out in Section 26 I
23 believe of the Crown Timber Act - and that's followed
24 now. Also the way it is now is that the Ministry of
25 Natural Resources in fact has the ultimate authority

1 for approval of plans and requires amendments be made
2 to their specifications, and that is the way we see it
3 happening in the future. So there is no change from
4 the way it now operates.

5 Q. Let me ask you in this way: Does the
6 Industry planning proposal diminish the authority of,
7 firstly, the Minister of Natural Resources?

8 A. No, it does not.

9 Q. Secondly, biologists who may be
10 working for the Ministry or -- the Ministry of the
11 Environment or Ministry of Natural Resources, would it
12 diminish their authority?

13 A. No, it certainly would not in my
14 estimation.

15 Q. And why not?

16 A. It would not because their
17 professional input is put into the plan, is debated in
18 a public forum with the local committee up to the IRUC
19 and, in fact, must be recognized by the Ministry of
20 Natural Resources as being appropriate in terms of
21 level, in terms of content, in terms of consistency and
22 what else have you before the district manager and
23 whoever else from the Ministry of Natural Resources
24 signs off and approves that plan.

25 Q. So if the Ministry of Natural

1 Resources is of the view in reviewing the plan that
2 certain biological information or needs not contained
3 or met, the Ministry can refuse to approve the plan?

4 A. It certainly can do it and,
5 furthermore, it can direct that the plan for approval
6 be changed in a fashion to make it acceptable to the
7 Ministry of Natural Resources.

8 Q. The third question in that regard:
9 Does the Industry planning proposal diminish the
10 authority of other users in the planning process?

11 A. Would you repeat that, Mr. Cosman?

12 Q. Yes. Does the Industry planning
13 proposal diminish the authority -- we talked about the
14 MNR, we talked about biologists, now I'm talking about
15 other users.

16 A. No, it certainly doesn't diminish the
17 authority of other users, for that matter of fact, I
18 think it provides a greater scope for the other users
19 to make input into the planning process in a way which
20 is public and allows a greater degree of public
21 scrutiny of how MNR handles that input.

22 So I would say, no, it doesn't diminish
23 in any way whatsoever and perhaps it probably gives a
24 better opportunity for public input into this -- the
25 other users to make public input into this. They have

1 been recognized.

2 Q. Thank you very much, Mr. Innes.

3 Those are my questions to you, but perhaps just before
4 leaving you, with respect to that last question that I
5 put, I would ask the Board to turn to MNR Interrogatory
6 No. 6.

7 Perhaps I can just go through the
8 questions with you and just see whether if you are in
9 agreement with the answer provided there or whether you
10 can elaborate or wish to elaborate.

11 And the question is with respect to the
12 role of the various committees which are described as
13 advisory. The first part of that question (a) is:

14 "With whom does the ultimate
15 decision-making rest."

16 And the answer, I think you've already
17 indicated:

18 "The ultimate decision-making authority
19 is the responsibility of the Ministry of
20 Natural Resources."

21 I don't think we need to say anything
22 more there. But part (b):

23 "MNR's timber management planning process
24 uses a planning team to make decisions
25 effectively and to prepare the timber

1 management plan. Industry proposal
2 separates the forester plan author from
3 the planning team and appears to change
4 the role of the other members of MNR's
5 planning team to a technical advisory
6 role. What is the reason for this change
7 and what advantage does Industry feel
8 its proposal has over the approach of
9 MNR?"

10 Could you address those two parts, part
11 (b)?

12 A. I already mentioned, Madam Chair,
13 that under the Crown Timber Act there are very specific
14 instructions that are given to a registered
15 professional forester to prepare the plan in terms of,
16 must be under his/her personal supervision, all field
17 work and calculations have been carried out to the best
18 of his/her skill and judgment in accordance with the
19 manual and management plan requirements, and also the
20 role of the Ministry of Natural Resources is to approve
21 the plan with such alterations as the Minister
22 considers advisable.

23 So there are two functions legally and
24 the Industry's proposal here is in recognition of these
25 two separate functions, and the registered professional

1 forester as the author has the clear responsibility to
2 prepare the timber management plan and, secondly, the
3 Ministry of Natural Resources, as the approval body, is
4 going to retain the approval of that responsibility.

5 Q. What is the advantage of this clear
6 distinction for purposes of public understanding?

7 A. We think the advantage is that the
8 RPF is identified as the person legally responsible to
9 author the plan and it separates that out in a very
10 distinct way and there can be no mistaking that under
11 this proposal, and there can be no submersion of the
12 plan author perhaps within a larger technical group
13 that sort of co-authors the plan under his/her
14 supervision, but this is plan author, it's a very clear
15 identity of where responsibility lies. And we think
16 there should be that clear identity of responsibility
17 in terms of planning preparation in somebody that the
18 public knows they can go and talk to and say: What did
19 you do, why did you do it and why does it make sense,
20 so we have somebody that is identified there.

21 MR. COSMAN: Those are my questions of
22 this witness, Madam Chair. I don't know whether you
23 plan to take a morning break or what time, since we
24 started at 10:00 this morning.

25 MADAM CHAIR: It might be simpler for us

1 to stick to the 12:00 to 1:30 lunch schedule, and if
2 your witnesses are all right, we'll go to noon.

3 MR. COSMAN: Yes, I'll carry right on.

4 Q. I will now turn to you, Mr. Munro,
5 and ask the Board to turn to Tab 2 of the comparison
6 document, and perhaps I can ask you just at the outset,
7 Mr. Munro, is Tab 2 the summary that you prepared at my
8 request to highlight the differences between the MNR's
9 planning system and the planning system proposed by the
10 OFIA/OLMA?

11 MR. MUNRO: A. Yes, it is, Mr. Cosman.

12 MR. COSMAN: And also during Mr. Munro's
13 evidence, Madam Chair, page 16 of the witness statement
14 is where we start and we're starting at the bottom of
15 the page at 3.0.

16 Q. Now, Mr. Munro, a key element of the
17 Industry planning proposal is the separation of the
18 pre-planning functions from the plan production and
19 review functions. Why is this separation being
20 proposed?

21 MR. MUNRO: A. Prior to suggesting that
22 it be separated, we as a group here consulted with many
23 plan producers on the Industry side and asked them a
24 simple question: How does the present system work, how
25 can it be improved, how does the public like it?

1 Consistently what we found was that the plan preparers
2 have prepared two distinct publics, there's a public
3 that are very interested in knowing exactly what is
4 happening out there at the field level, there's a
5 second public that wants to understand the
6 technicalities in terms of what went into the plan for
7 the production.

8 When we looked at the current system it
9 became quite obvious that in order to get an
10 understandable database and an understandable plan
11 there had to be something come out of the current
12 planning system. We logically looked at it and there
13 is a distinction between the pre-planning components
14 and actual plan production, and that's the main reason,
15 so we get a concise understandable plan of what's
16 actually going to happen in the field and we get a
17 concise understandable summarized database that the
18 public can look at and provide -- it's really to
19 provide some education and basic understanding of where
20 we got to where we are today.

21 Q. And looking at Tab 2 you I think
22 summarize that perspective in the first paragraph under
23 OFIA/OLMA Separation of Pre-Planning Components from
24 Plan Production.

25 And the other side of that, under MNR,

1 you indicate no separation, include everything in
2 actual plan. What do you mean there?

3 A. Really what we are classifying as the
4 pre-planning components are background information,
5 integrated resource database, report on past operations
6 and future objectives, targets and strategies. In
7 MNR's current system, that is all included in the plan
8 and it accompanies the plan.

9 I assume that you have seen a plan - the
10 Red Lake Plan for instance, that was produced - they
11 are quite large and tend to turn the public off as a
12 general principle. They just do not want to wade
13 through all that paper, they want to be able to pick
14 something up, take it home, read it, comment, provide
15 their input. And our system is designed for that
16 purpose.

17 Q. So your system is designed to really
18 divide that Red Lake Plan into two parts so you have
19 the operating plan which the public will take home, as
20 you said, then you have the background information,
21 data, et cetera. Would that -- first of all, would
22 that still be done, all the work with respect to the
23 background, and we'll come to it in more detail, but
24 just --

25 A. Yes, it would still be done.

1 Q. All right. And would it still be
2 available to the public if someone wanted to look at
3 it?

4 A. All the bios, all the information
5 would be available to the public in every detail.

6 Q. All right. Now, on page 17 in the
7 middle of the page you provide that -- page 17 of the
8 witness statement you provide in the middle of the page
9 that:

10 "Industry proposes that the planning
11 system would be comprised of five
12 components and would ensure public
13 consultation, understanding and
14 participation at various levels."

15 And you set out in Roman numerals (i) to
16 (v) what those various components of the plan would be.
17 What are the pre-planning components; that is, the part
18 that would be separated from the plan itself?

19 MR. MUNRO: A. Madam Chair, the
20 pre-planning components are the background information.

21 Q. That is No. (i)?

22 A. Integrated resource database.

23 Q. Roman numeral (ii).

24 A. And report on the past forest
25 operations, review and future proposals.

1 Q. And your evidence here today, Mr.

2 Munro, will be with respect to the three components
3 that you have just identified as the three planning
4 components?

5 A. That's correct, Mr. Cosman.

6 Q. And then I'm going to come back to
7 you later on the enhanced planning process as a
8 separate matter, but for now I'm going to deal with (i)
9 to (iii), and what about items (iv) and (v), the plan
10 production components, who will be testifying to that?

11 A. Mr. Fry will be testifying on those
12 two components and that would constitute the actual
13 plan production, review and approval.

14 Q. Now, on your Tab 2 have you described
15 the difference between the Industry's proposal and the
16 MNR system?

17 A. Yes, I have, Mr. Cosman.

18 Q. Can you tell us how you've laid out
19 Tab 2 in that regard?

20 A. On the left-hand side is the
21 Industry's proposal and on the right-hand side is MNR's
22 proposal.

23 Q. Now, just to get the structure in
24 place. First, we have under the lead-in paragraph
25 pre-planning components, you have a small Roman numeral

1 (i) background information, then just turning over the
2 page at the the top of the page you have Roman numeral
3 (ii) integrated resource database, and then on the
4 following page Roman numeral (iii) report on past
5 operations and proposed objectives and strategies.

6 And those are the three planning
7 components you've identified and you will be, I
8 understand, taking us through how each of those
9 pre-planning components is to be addressed?

10 A. That's correct.

11 Q. All right. Let's deal with the
12 first. Firstly, that is background information, what
13 constitutes background information?

14 A. If it would be of assistance to the
15 Board, if they could turn to page 43 of the witness
16 statement, here the Industry is proposing or is
17 providing an example of what we would see the
18 background information would be.

19 If you turn to page 44, you will see a
20 Table of Contents and this is all the information that
21 we would expect to see as part of the background
22 information, and I would like to briefly go through
23 them so that you get a flavour of what we are looking
24 for. First, what is MNR's overall goal.

25 Q. Just before you do, is this --

1 MR. COSMAN: Have you found Appendix 1,
2 Madam Chair?

3 MADAM CHAIR: Yes.

4 MR. COSMAN: Madam Chair, there are four
5 appendices and it's Roman numeral I to IV but the I to
6 IV is tabs at the back of the witness statement, and
7 Appendix No. I, background information, the executive
8 summary, is that a document that exists now?

9 MR. MUNRO: A. No, it isn't. This is a
10 document that we put together as a proposal, an example
11 of what we conceive as background information being.
12 This is an executive summary opposed to having all the
13 information available in one spot, we condensed and
14 summarized the background information.

15 Q. So after the assembly and the
16 analysis of the background information takes place, it
17 will be put together, there will be an executive
18 summary prepared and this is what you are proposing as
19 sample executive summary?

20 A. That's correct.

21 Q. And you're now, if you would --
22 sorry, I took you back to page 44 of the Table of
23 Contents. Table of Contents sets out the various kinds
24 of information that constitute background information
25 for purposes of that element of pre-planning?

1 A. Yes, Mr. Cosman. If I could just
2 briefly go through them. The purpose of the executive
3 summary is to provide a summary of information where
4 the general public or interested individuals can get a
5 flavour for what has happened in the past and how
6 things will progress in future.

7 Item No. (1) is MNR's overall goal and
8 objective; (2) provincial resource program objectives;
9 (3) provincial policies; (4) regional policies; (5)
10 guidelines and manuals.

11 This is so that they understand that
12 there is information being used and that is available
13 for them to review if they need to.

14 No. (6) is the district target
15 assignment; No. (7) is the district strategies for the
16 achievement of those targets; No. (8) is an integrated
17 resource planning system for timber management. That
18 would be a brochure outlining the entire process, how
19 it takes place, where they get involved, how they can
20 participate; and, No. (9) is current management
21 direction, which is basically the existing plans that
22 are in place. No. (10) is an important elements, it's
23 the problems and issues, and I would like to take you
24 back to a comparison of Industry's proposal and MNR's
25 proposal and just run you through how we see this

1 happening from a public perspective.

2 Q. All right. So if we go to Tab 2, you
3 have indicated to us what the kinds of things that
4 would be found in the background information package.
5 Now, on Tab 2 on the Industry's side you have, under
6 background information, described a formalized process
7 for analysis and public review of the background
8 information, and is that what you're going to address
9 now?

10 A. Yes, Mr. Cosman.

11 Q. And just in terms of the structure of
12 that, here you have a number of responsibilities which
13 are responsibilities of the district manager set out?

14 A. That's correct.

15 Q. All right. So what would the
16 district manager's responsibilities be with respect to
17 background information?

18 A. The first thing he would do is
19 assemble and review the information that I presented in
20 Appendix I of the Industry's proposal. As he assembles
21 and analyses that information he would be doing that
22 (1) to provide the public with a general idea of what
23 is in place, and (2) to look for significant problems
24 and issues. These are areas where he feels there might
25 be some controversy or there needs to be some

1 discussion about.

2 Once those significant problems and
3 issues are identified he, the district manager, would
4 develop strategies to address. Thirdly, he would
5 prepare an executive summary highlighting the
6 information that are indicated in Appendix I including
7 problems and issues. He would present that to the
8 local citizens committee for their review and input.

9 After he has received their review and
10 input, he would, where appropriate, revise the
11 executive summary and highlight the advice that he
12 received. Once that is done, the information would be
13 available for the general public to review, that being
14 the executive summary and whatever detailed information
15 was required in terms of district files or company
16 files.

17 After that review, the district manager
18 would summarize the results of the review and present
19 it to the IRUC for their review and input. One
20 distinct difference between the current system and what
21 the Industry is proposing is that we would have an
22 information centre on the background information, the
23 integrated resource database, and the important past
24 operations and future directions.

25 Q. So that just -- I stop you there, Mr.

1 Munro. You're going to have an information centre that
2 deals with all of the pre-planning information and data
3 collection and analysis and summary?

4 A. That's right, Mr. Cosman.

5 MR. COSMAN: And we will come to that,
6 Madam Chair, in terms of where it fits in in the
7 timetable table shortly.

8 MR. MUNRO: Very good.

9 MR. COSMAN: Q. Okay, I'm sorry, did I
10 interrupt you.

11 A. No.

12 Q. I will go on to the next question
13 then. In your list of the steps that are taken in this
14 process, you make reference to the public information
15 centre and you indicate that is a first, that's not
16 done now at the present time.

17 Can you tell us what would happen at such
18 an information centre and why you are proposing it?

19 MR. MUNRO: A. This information centre
20 would be put on by the district manager as opposed to
21 the plan author. At the information centre there would
22 be executive summaries for the three elements of
23 pre-planning that I mentioned; background information,
24 integrated resource database, report on past operations
25 and future proposals.

1 In addition to that, all of the relevant
2 information in terms of existing plans that might
3 impact how the plan production is prepared would be
4 available to the general public. Currently that is
5 available under the system that MNR works under except
6 there is no formal process where the public gets the
7 opportunity to review that background information.

8 We are suggesting that relevant
9 information, relevant planning documents be available
10 at the information centre so that the public can peruse
11 them and ask questions or get more detailed information
12 at a later stage if they wish.

13 Q. All right. On the right-hand side of
14 the page you have indicated under MNR that there's now
15 no formalized process for analysis and public review of
16 background information, no independent public summary
17 prepared of background information. Why are you
18 recommending that an executive summary be prepared of
19 the background information?

20 A. It's really to meet the demand of the
21 public that is reviewing the plans now. They want to
22 be able to logically follow the process, they want to
23 be able to take something home to look at, to become
24 more educated, to understand the entire process more.

25 By providing a summary of technical

1 information it gives them the opportunity to look at
2 that and ask questions in a detailed nature in terms of
3 the actual information and how it was compiled. We
4 feel that it's important to summarize that information
5 for the public and make it available in that format so
6 that they can indeed understand it better.

7 Q. And would that executive summary be
8 part of the -- or accompany the plan in the end?

9 A. The executive summary would accompany
10 the plan as supplementary documentation, it would be a
11 condensed version of what we described in Appendix I.

12 Q. Now, even though the background
13 information itself is a part from the summary, would
14 not form part of the plan, is it all available for
15 review by Ms. Seaborn or anyone else who wished to
16 review it?

17 A. We are recommending that all the
18 information be available on demand at the district
19 office.

20 Q. Thank you. Now, I would ask you to
21 turn to page 2 of Tab 2 which deals with the second
22 component of the pre-planning components in the
23 planning process, and here again on the left-hand side
24 of the page what I see is a formalized step by step
25 process for assembly, analysis and review of what you

1 call here integrated resource data.

2 First of all, what is integrated resource
3 data? What is the integrated resource database?

4 A. Really it's an inventory of
5 resources, summarized inventory of resources and
6 values. It would be much similar to what MNR has
7 described to you as the values mapping exercise.

8 We have taken that one step further and
9 we have said: Now you must include a summary of
10 inventories that are available for the forest
11 management unit and make that list available to the
12 public as well, therefore, they can take that list and
13 key in on specific items that they would be interested
14 in.

15 Q. Now, you describe in your step by
16 step process certain responsibilities of the district
17 manager, then you describe certain responsibilities of
18 the plan author, and then finally on the next page you
19 describe certain responsibilities or joint
20 responsibilities of the two.

21 Going back to the first, what are the
22 district manager responsibilities with respect to
23 non-timber components?

24 A. If I could have the Board go to page
25 56 of the Industry's witness statement, again, it's a

1 Table of Contents and it outlines the type of
2 information.

3 Q. This is Appendix II to the witness
4 statement.

5 A. Appendix II, page 56.

6 Q. Okay.

7 A. Table of Contents is separated into
8 two components, the first one would be the
9 responsibility of the district manager for the
10 non-timber components of the resource program.

11 Q. And is that a new proposal or is that
12 a proposal that you would find in the MNR's planning
13 system?

14 A. This is a new proposal. The
15 information is assembled at the current time, there is
16 no summary prepared.

17 Q. All right. So when we look at the
18 Table of Contents, points 1 to 7 at the top under OMNR
19 executive summary, that is a new component of the
20 executive summary that you are requiring as part of
21 your planning system?

22 A. That's correct.

23 Q. Okay.

24 A. And 1 through 7 lays out a logical
25 process, a thought process really that the district

1 manager in conjunction with his staff would go through
2 in identifying significant problems and issues relating
3 to the non-timber resource programs as they relate to
4 timber management.

5 Q. If I can take you back, just keeping
6 your finger on that page, take you back to your Tab 2,
7 page 2, where you have district manager
8 responsibilities with respect to non-timber components,
9 you have five bullets straight under that.

10 A. Right.

11 Q. Would those be the steps that would
12 be followed?

13 A. Yes, those would be the steps.

14 Q. Just take us briefly through them.
15 What would the district manager do?

16 A. The district manager in conjunction
17 with district staff or appropriate regional staff would
18 assemble and analyse the non-timber database. He would
19 produce a values map and a summary of the relevant
20 information values map, would be much similar to what
21 is currently proposed by MNR and the summary of
22 relevant information would simply be a listing that
23 people can refer to.

24 After that information is assembled the
25 district manager would highlight significant problems

1 and issues relating to that database. For instance, a
2 good example, maybe there is no data, maybe there is an
3 inventory gap, maybe he has to go out and collect
4 information. In those particular cases that inventory
5 or lack of information in this case would be identified
6 as a significant problem and issue.

7 The district manager would have to put
8 together a strategy on how he's going to deal with that
9 over the course of the five years or prior to plan
10 production or how it's going to be dealt with in the
11 plan, recognizing that he cannot have all the
12 information available at one time, he would have to lay
13 out a strategy to obtain that information if it was
14 deemed necessary. He would prepare an executive
15 summary of that and that, again, would be presented to
16 the local citizens advisory group.

17 Q. All right. Before we come to that,
18 okay, so you have the various steps resulting in the
19 preparation of the executive summary and that executive
20 summary is that which has been highlighted by you at
21 page 56 of Tab 2 of the witness statement?

22 A. That's correct.

23 Q. Okay. Now, what are the plan author
24 responsibilities, and let's go through the steps that
25 the plan author would follow with respect to the

1 integrated resource database?

2 A. The plan author is responsible for
3 the timber component of the integrated resource
4 database. This is not to say that he puts it together
5 in isolation, he would work with technical experts from
6 MNR and put this database together.

7 The first thing that they would do would
8 be assemble and analyse the timber resource database,
9 in this case it would probably be the FRI or other
10 relevant inventories, it could be FEC. That
11 information would be transferred where appropriate to
12 the values map.

13 In conjunction with technical experts
14 from MNR, the plan author would identify significant
15 problems and issues and, again, similar to what the
16 district manager had to do, he would develop strategies
17 to address those specific problems and issues and those
18 would be highlighted in the executive summary that he
19 must prepare and present to the local citizens group.

20 Q. All right. And going back to page
21 56, the bottom part of that page you have plan author
22 executive summary that would be the executive summary
23 that these particular steps would result in?

24 A. That's correct.

25 Q. All right. So these two executive

1 summaries would then form part of the supplementary
2 documentation and would be distributed with the plan?

3 A. That's correct.

4 Q. But all of the background data would
5 remain in MNR or plan author files and be available to
6 the public if someone wanted to go beyond the plan in
7 fact?

8 A. That's correct, and the location of
9 where that information is would be recorded as well.

10 Q. Now, let's go to the joint
11 responsibilities. We have got these two executive
12 summaries prepared, what would the joint
13 responsibilities be of the district manager and the
14 plan author?

15 A. Madam Chair, what we are proposing is
16 that the district manager and the plan author would
17 jointly present the information to the local citizens
18 group or a committee for their review and input.

19 We see that the local citizens committee
20 can play a valuable role in identifying their values
21 for ensuring that values are properly marked. In many
22 cases these local people could more precisely map it in
23 some cases since they are the individuals that actually
24 know about the value.

25 Once the district manager and the plan

1 author have received their input from and advice from
2 the local citizens committee, they would highlight that
3 advice in an executive summary and revise the executive
4 summary. This would be presented to the public at an
5 information centre hosted by MNR, its local district
6 manager, so that the general public can provide input
7 as well.

8 Once the public review period is ended,
9 their input will be summarized and presented to the
10 integrated resource user committee for their advice and
11 review as well.

12 Q. Now, just so that this is placed in
13 context and, again, we are going to go to the
14 timetable, this information centre would be the same
15 information centre as you would have under background
16 Information; would it not?

17 A. That's correct, it is.

18 Q. So at the information centre there
19 would be a presentation by the district manager who
20 would hold that information centre of the background
21 information and, again, of the integrated resource
22 database as we have -- as you have outlined in your
23 evidence?

24 A. That's correct. The reason that we
25 separated them is because they are clearly distinct,

1 one is dealing with a broader type framework of how
2 planning takes place and one is dealing with the
3 management unit, how things occur on the management
4 unit and that is the reason we separated them.

5 Q. Let's go now to the - perhaps we can
6 just finish the third component, I think we can in
7 three or four minutes - the report on past operations
8 and proposed objectives, targets and strategies.
9 Again --

10 MR. MARTEL: Can I just ask a question of
11 Mr. Cosman, just to be clear.

12 MR. COSMAN: Yes.

13 MR. MARTEL: Are you suggesting two or
14 that the two information centres are really one?

15 MR. COSMAN: There will be one
16 information centre background -- on all the
17 pre-planning components.

18 MR. MARTEL: Right.

19 MR. COSMAN: Which would include
20 background information, integrated resource database
21 and what we are coming to now, which is the report on
22 past operations.

23 MR. MARTEL: All right, thank you.

24 MR. COSMAN: Perhaps, Madam Chair, since
25 it is 12:00 and I don't want to take you over your time

1 limit, I will commence with, your approval, after
2 lunch.

3 MADAM CHAIR: Why don't we break for
4 lunch now. Thank you, Mr. Cosman.

5 We will be back in an hour and a half.
6 ---Luncheon recess taken at 12:00 p.m.
7 ---On resuming at 1:30 p.m.

8 MADAM CHAIR: Good afternoon. Please be
9 seated.

10 Mr. Cosman, a short announcement before
11 we begin. The party was asked by Forests for Tomorrow
12 on June 22nd, which was Friday I think, to hear from
13 them submissions about the appointment of Dr. Peter
14 Pearce by the Ministry of Natural Resources for the
15 purpose of advising on the design of the forest policy
16 review. And the Board will hear these submissions on
17 Wednesday at four o'clock, this Wednesday, June 27th.

18 MR. COSMAN: Madam Chair, just on that
19 point. I don't know what -- I think I probably
20 received the same letter that you received, and copies
21 to parties, and it may be just because I wasn't here
22 recently, but I don't know of anything on the record
23 relating to that request, so I don't even know what the
24 nature of the submissions are going to be on Wednesday
25 so as to prepare myself to respond to them.

1 Maybe counsel for Forests for Tomorrow or
2 one of those other parties might be able to assist
3 those of us who aren't in the little group that met.

4 MADAM CHAIR: Mr. Lindgren?

5 MR. LINDGREN: Well, as you know, Madam
6 Chair, Ms. Swenarchuk is responsible for that letter
7 and she will be speaking to the matter. I can
8 certainly undertake to make the necessary inquiries of
9 her in order to determine what in fact her submissions
10 will be, and I can advise counsel of same.

11 MR. COSMAN: No, I don't need to know
12 what her submissions are going to be, I would just like
13 to know what the nature of the application is.

14 MR. LINDGREN: That's what I intend to
15 clarify.

16 MR. COSMAN: Maybe someone else can
17 assist us.

18 MADAM CHAIR: Ms. Kleer?

19 MS. KLEER: Well, I can assist. I don't
20 know if it was made an exhibit, but a letter from Dr.
21 Pearce to various parties, certainly Ben Cheechou of
22 Nishnawbe-Aski Nation was sent a letter, setting out
23 basically what the nature of this forest policy review
24 was to be about and we will be addressing that letter.
25 And I don't know if it has been made an exhibit, I know

1 that Mr. Freidin introduced something to the Board --

2 MADAM CHAIR: An announcement by the
3 Ministry of Natural Resources concerning the
4 appointment is what the Board has.

5 MR. FREIDIN: There's a copy of the
6 letter I think that she is speaking about, plus the
7 terms of reference of Dr. Pearce's appointment and his
8 curriculum vitae.

9 MADAM CHAIR: It wasn't my understanding
10 it was a letter from Dr. Pearce--

11 MR. FREIDIN: Oh no.

12 MADAM CHAIR: --to someone, it was an
13 announcement of the appointment.

14 MR. FREIDIN: No. There's a letter from
15 the Minister Lyn McLeod to, and it was just left blank,
16 and I think I indicated in my submissions that that
17 letter had gone to a number of parties including, I
18 believe, the parties to this hearing.

19 MADAM CHAIR: Yes.

20 MR. FREIDIN: That is the letter you are
21 speaking of?

22 MS. KLEER: Yes, that is the letter I'm
23 speaking of. Was that letter made an exhibit?

24 MR. FREIDIN: No.

25 MADAM CHAIR: No, it wasn't.

1 MR. FREIDIN: I just gave copies to the
2 Board.

3 MR. COSMAN: And so that I could find out
4 and obtain instructions as to what to do for Wednesday
5 afternoon, rather than just have to tell you I have to
6 consider it, can I be assisted as to what is being
7 asked of the Board.

8 MS. KLEER: Well, I think the submissions
9 will be made on Wednesday. I mean, I don't know if
10 you've copies of these letters, but they will be
11 pertaining to the subject matter of the letter and the
12 terms of reference.

13 MR. COSMAN: Well, Madam Chair, you can
14 appreciate my difficulty. Submissions on a letter
15 don't help me, I don't make decisions on my own. All I
16 will be able to do then is, we will be here, we will
17 listen to what those submissions are - not even knowing
18 what the nature of the application is - and I will go
19 back, seek instructions and make submissions.

20 If someone is able to tell me beforehand
21 what is being sought, then I can be ready on Wednesday
22 afternoon to make submissions on that issue.

23 MADAM CHAIR: Mr. Lindgren, we will
24 expect you to apprise Mr. Cosman and the other parties
25 to the extent that you can. As far as the Board can

1 determine from the letter of request from Ms.

2 Swenarchuk, it was simply that they feel for some
3 reason that this appointment has some bearing on
4 matters before the Board.

5 MR. COSMAN: That's what I gather too.

6 MADAM CHAIR: I have no other information
7 than that.

8 MR. LINDGREN: That's my understanding as
9 well, Madam Chair, and I will undertake to make the
10 necessary inquiries and advise counsel.

11 MR. COSMAN: Thank you.

12 Madam Chair, I know go to the third
13 pre-planning component of the Industry's planning
14 system, the report on past operations and the proposed
15 objectives, targets and strategies.

16 Q. And in that regard I would ask you to
17 turn to Tab 2 at page 3 of the comparison document, and
18 what page in the witness statement, Mr. Munro?

19 MR. MUNRO: A. Page 21.

20 Q. Page 21. Thank you. Now, Mr. Munro,
21 there are two elements of this particular report, there
22 is first of all the plan author's report on past
23 operations; and, secondly, there is an independent
24 audit.

25 Now, I would like to take each in turn,

1 but before I do, what I would like to do is deal with
2 your summary of the steps as set out on page 3, and I
3 wonder if you could take us through those and then we
4 are going to come back to some of the specifics, but
5 take us through so we have the overall perspective of
6 what is the planning process in this regard and how
7 that compares with MNR's process.

8 A. Very good. Madam Chair, the report
9 on past operations is much similar to what MNR has
10 tabled in their proposal, in fact it's almost
11 identical. What it does is simply compare planned
12 activity to what was actually accomplished in the
13 previous plan. This enables the plan author and the
14 general public to get a feel for how things are going
15 and what direction they should be moving in the future.

16 As the plan author is compiling that
17 information, the Industry is recommending that an
18 independent audit be ongoing at the same time - and
19 I'll get into the details on what that consists of a
20 little later.

21 The plan author, once he has the audit
22 report, would highlight significant problems and issues
23 relating to his assembly an analysis of planned versus
24 actual as well as highlight the results of the audit.
25 The plan author, using the results of the audit and

1 report on past operations, would develop a range of
2 objectives and targets. Once those various objectives
3 and targets are developed, the plan author in
4 consultation with other technical experts would develop
5 the proposed strategies to be imposed in order to meet
6 those objectives and targets.

7 After he or she has developed those
8 strategies, the plan author prepares an executive
9 summary highlighting what the results of the audit
10 were, what the report on past operations did in fact
11 detail out and what are the proposed objectives and
12 targets of the next plan. He would present that
13 executive summary to the local citizens committee for
14 their review and input. Using their advice he would he
15 either revise the executive summary to reflect their
16 advice or highlight what their advice was and how he
17 dealt with it. This information would be reviewed at
18 an information session or centre.

19 Q. And this is the same information
20 centre that we have talked about with respect to the
21 other two pre-planning components?

22 A. That's correct. All three executive
23 summaries would be present at the same information
24 centre. The plan author would summarize the results of
25 the public review, revise the executive summary if need

1 - be, and then present that to the integrated user
2 committee for their review and input as well.

3 Q. Just with respect to this executive
4 summary that is prepared, have you indicated by way of
5 outline what such an executive summary would contain?

6 A. Yes, I have and it is included in the
7 witness statement on page 75.

8 Q. That is Tab 3. And again, if I just
9 turn over the page to the Table of Contents, Tab 3,
10 that would state what you would propose and in fact
11 what the MNR now proposes for inclusion in such a
12 report?

13 A. Many of the tables are identical to
14 what MNR currently does.

15 Q. Okay. Now, is there a summary
16 prepared by the MNR under the existing system?

17 A. No, there is not an executive summary
18 prepared under the existing system.

19 Q. So the general public would not have
20 presented to them with plan, by way of supplementary
21 documentation or otherwise, an executive summary with
22 respect to the report on past operations?

23 A. That's correct.

24 Q. And your proposal is that there be
25 such an executive summary?

1 A. That's correct.

2 Q. And I wonder then if I may ask you,
3 with respect to the proposal, whether or not the
4 executive summary which is reviewed by the local
5 citizens committee is also the subject of public review
6 at the information centre?

7 A. Yes, it is. It would go through a
8 formalized public review process.

9 Q. Would the other background document
10 that is separate and apart from the executive summary
11 be available for anyone who wished to review it?

12 A. All the information that was used to
13 prepare the executive summary would be available.

14 Q. All right. So it's similar with
15 respect to the other two pre-planning components?

16 A. Much similar, in the sense that it's
17 simply a summary of information that is available at
18 various sources.

19 Q. Okay. Now, you've indicated what is
20 largely the same, you've indicated the executive
21 summary is new. I now want to take you back to your
22 second item, that of an independent audit.

23 But perhaps just before I do, could you
24 just indicate, having regard to the MNR column,
25 anything additional to what you've already said as to

1 comparison of the Industry planning system and this
2 planning system proposed?

3 A. Madam Chair, as I indicated, the
4 report on past operations is virtually identical to
5 what MNR is currently proposing. There is a few
6 additional items pertaining to the relationship of
7 district land use guidelines and how they are assigned
8 to a forest management unit. With the exception of
9 that they are almost identical.

10 I guess the one thing that is a little
11 different in that, the plan author produces problems
12 and issues as a result of the analysis of the report on
13 past operations. Under MNR's system that problems and
14 issues would be identified by the planning team.

15 Q. Would the plan author identify those
16 in consultation with anyone?

17 A. They would be identified in
18 consultation with technical experts that would be
19 available. And since the plan author is dealing
20 primarily with timber type issues, that would probably
21 be MNR foresters.

22 Q. All right.

23 A. And other than that, there is no
24 executive summary, however, the information that is
25 presented in terms of MNR's report on past operations

1 does go through the public review at an information
2 centre after -- prior to the plan is done. I believe
3 they have given evidence on that.

4 Q. How is the audit information
5 reflected in this report, and perhaps to help with that
6 question I would ask you to take out MNR Interrogatory
7 Question 21.

8 MR. COSMAN: And, Madam Chair, you will
9 see that that answer to that interrogatory runs for
10 some three pages and there is also a reference in it to
11 a Figure 1 which is unfortunately out of place in the
12 preparation of the document.

13 I am going to show you where it is in
14 your document and show the parties as well. It's
15 found -- it's this document which doesn't follow 21,
16 but it's Figure 1, it follows Question 41, it's out of
17 place. You will see it stands out.

18 A few of the questions and answers at the
19 end of the MNR section are out of order, unfortunately.
20 We are not trying to emulate the MNR in the preparation
21 of their evidence, but sometimes these things happen.

22 MADAM CHAIR: Let me get it straight, Mr.
23 Cosman. Figure 1 is appended to Question 21 or should
24 be?

25 MR. COSMAN: That's right, that's right.

1 And you will see at the top it says Figure 1, and if
2 you turn sideways, it says Independent Audit Schedule
3 Proposed.

4 MADAM CHAIR: All right, thank you.

5 MR. COSMAN: Q. Now, I understand you
6 have an overhead to assist with that Figure 1 that
7 actually has some coloured parts to it.

8 Thank you.

9 And what I would like you to do, since
10 the independent audit is a proposal new to this -- to
11 the planning system, is to take us through it
12 explaining how it works.

13 MR. MUNRO: A. First I would like to
14 explain what the colours mean and there is a legend.
15 Unfortunately I can't get it all in, but the red
16 indicates what the independent audit team will be
17 reviewing in terms of the previous plan; the green with
18 red stripes through it indicates what the audit team
19 will be doing a preliminary review of, the green is the
20 current plan, and the blue is the next plan or what the
21 plan author is preparing for.

22 As you are aware, you always have to
23 operate under an approved plan, therefore, it becomes
24 necessary to audit halfway through or approximately
25 halfway through the current plan which is indicated at

1 this point right here. (indicating)

2 Having some knowledge of what the FMA
3 review process is about, the forest industry took a
4 look at that review that's done for FMA management
5 units and they said: How can we use that review to
6 actually prepare the next plan.

7 It's important that you remember that if
8 you are going to change the objectives and targets of
9 the plan you have to have the audit available to you,
10 but what this slide shows is how all that information
11 will be integrated.

12 What we have is a previous plan and a
13 current plan. The current plan will be the one that we
14 are operating under now and that is approved. What
15 Industry is recommending is approximately two and a
16 half years into the current plan an independent audit
17 is done of the previous plan.

18 Q. All right. Where you have marked it
19 with your pen, at that point in time, that is at the
20 two and a half year period that you have hatched out?

21 A. That's correct.

22 Q. All right. So in that two and a half
23 year period what are you -- what is the audit of, what
24 is the audit team doing?

25 A. The audit team is actually looking at

1 the previous plan.

2 Q. So it's looking at the five-year plan
3 immediately previous to the commencement of the audit?

4 A. Right, which there are hard numbers
5 for. The plan has been implemented, you can compare
6 actual versus planned to see how you made out, whether
7 the objectives and targets were actually achieved.

8 Under the current system the audit would
9 be done at the end, right where my pen is showing now,
10 it would be done immediately following the previous
11 plan. The problem --

12 Q. I'm sorry, where your pen is showing
13 just before the end of the first plan?

14 A. Right.

15 Q. So the audit would start just before
16 the end of the first plan?

17 A. That's right.

18 Q. Okay.

19 A. Okay. So what the Industry is
20 recommending is that we do the audit at this point and
21 not only do we look at the previous plan, but we would
22 have the opportunity to look at two years of the
23 current plan.

24 Now, so you can look at the previous
25 plan, planned versus actual, you can look at the

1 current plan and measure what the likelihood is that
2 you are going to meet your objectives and targets of
3 the current plan.

4 Using the information from both of those
5 plans you are in a much better position to plan the
6 next plan. This way we can use the recommendations of
7 the audit, the independent audit team during the
8 preparation of the next plan. The public will have the
9 opportunity to look at those results and see if in fact
10 the plan author is actually using the audit results and
11 the preliminary to look at the current plan to change
12 direction, to do something different that will assist
13 in the achievement of objectives and targets.

14 It's much similar to Baskerville's
15 approach where it's a cause and effect type
16 relationship, you take a look at what happened in the
17 previous plan, try and project what's going to happen
18 in the current plan, using that information, put your
19 best projections forward for the next plan.

20 Q. Why would you want to conduct a
21 preliminary review of two years of the current plan?

22 A. The main reason for doing that is so
23 that the audit team and the public have a good idea on
24- what the likelihood is of the current plan objectives
25 and targets being achieved. After two years, if you

1 can see that those objectives and targets will be
2 achieved, you can rest assured that the plan author is
3 carrying out or implementing the current plan in the
4 best possible way.

5 Q. And if the preliminary audit or the
6 audit that we have talked about, that is the
7 preliminary review of the two years of the current
8 plan, shows or indicates that the targets of that plan
9 are not being met, how would that be -- how would it be
10 useful to know that again?

11 A. Well, the audit team would indicate
12 that in their independent audit, the general public
13 would have that information available to them and they
14 would expect to see some change in direction in the
15 plan that's being prepared.

16 Q. In the current plan as well as the
17 plan that is being prepared next?

18 A. In the current plan there could be
19 some movement in terms of achieving targets, that would
20 be hard to determine at that point in time, but it
21 would ensure that the plan author would have to take a
22 good hard look at what's happening in the current plan
23 because he knows down the road he's going to be
24 measured on it. So it might provide some initial
25 change in direction almost immediately.

1 Q. All right. With respect to the
2 timing itself, is there anything further that you wish
3 to add?

4 A. No, I think that about covers it.

5 Q. With respect to, first of all, who
6 the audit team is, who are you recommending would
7 constitute an independent audit team?

8 A. We are recommending that the audit
9 team be appointed by MNR of non-MNR people who have an
10 interest or vested interest in it, they would be truly
11 independent, somebody outside the government agency.

12 Q. Why are you suggesting that someone
13 outside of the MNR should be conducting such an audit?

14 A. Madam Chair, I guess the main reason
15 is to ensure that there is public credibility. I think
16 citizens have a problem with a government agency
17 auditing themselves or possibly auditing themselves.
18 So that is why we're recommending that it be truly
19 independent.

20 MADAM CHAIR: So the types of people you
21 would see auditing would be from the universities, from
22 consulting firms, from --

23 MR. MUNRO: I would think that would be a
24 good starting place, not necessarily within province
25 either. We recognize that there is a limited number of

1 people that can do these audits, so you might have to
2 go outside the province to get some truly independent
3 people as well, but...

4 MR. MARTEL: What type of background?

5 MR. MUNRO: I wouldn't -- we were hoping
6 that the audit teams will be able to be comprised of
7 people that have a resource management background.

8 Mr. Martel, we think that would make it
9 easier for them to judge how things are happening,
10 where they see things happening in the future, it would
11 certainly make it easier in terms of auditing if those
12 people had some background in resource management.

13 MR. COSMAN: Q. In order to answer that
14 question perhaps for Mr. Martel, may I take you to the
15 answer to the interrogatory - since that's a handy
16 reference - on the second page where you set out the
17 terms of reference for the five-year independent audit,
18 and if you could take us through what that audit team
19 is expected to do, then it may even be of greater
20 assistance to determine who should be the kind of
21 person to do it. And in that regard, you have a number
22 of overheads, perhaps you can start there.

23 In any event, before turning to that
24 question and answer 21, you have an overhead which sets
25 out the purpose of the audit. Perhaps we can go

1 through that first.

2 MR. MUNRO: A. We have designed an audit
3 that has four purposes. The first one is to review and
4 report on every five years actual timber management
5 activities that are occurring within a management unit
6 for every forest unit within the area of the
7 undertaking; secondly, to review and report on the
8 progress towards the achievement of objectives and
9 targets in the current plan; three, to make
10 recommendations on the establishment of objectives and
11 targets for the next plan; and four, make
12 recommendations on the extension of the forest
13 management agreement in accordance with the Evergreen
14 section of the agreement and other recommendations that
15 are judged to be relative.

16 This would replace what we currently know
17 as the FMA review and the audit team would carry out
18 their audit and recommend that the FMA agreement be
19 extended for another five years, thereby not
20 duplicating effort.

21 Q. All right. And further to that, if I
22 can take you to the terms of reference for the
23 five-year independent audit as set out in the answer to
24 Question 21, will you please indicate what those
25 specific terms of reference are?

1 A. The terms and references that we
2 developed for the independent audit are similar to
3 those of the current FMA review process.

4 No. 1 is to provide a fair and objective
5 review of the five-year timber management activities.
6 This would include whether the plan is prepared and
7 approved on time within the framework that is provided
8 by the manual; secondly, it would report on the
9 progress towards the achievement of the objectives and
10 targets. Planned versus actual, are they actually
11 planning, is the plan doing the job that it was
12 designed to do; fourthly, it would determine are the
13 companies or the plan author conducting their
14 activities within the framework of the approved plan.
15 Basically, are they complying with the plan, are they
16 doing what they said they were going to do. If not,
17 are they asking for amendments; and, fifthly, to ensure
18 that the preparation submissions of accurate annual
19 reports. That would ensure that, yes, they are
20 planning with the approved plan and, yes, they are
21 reporting factual information in an accurate and
22 consistent fashion.

23 The second point is to examine depletion
24 records, silvicultural records, maps of cut-over, road
25 construction maps, and ensure that all this information

1 is accurate and adequate and that they conform to what
2 the records indicate, checking to ensure that things
3 are being done properly and properly recorded.

4 Thirdly, which we think is a very
5 important item, they would select and inspect harvest
6 cuts, silvicultural projects, road construction
7 projects which are typical of the techniques employed
8 on the forest management unit to ensure that, one, they
9 do comply, and they are representative and that the
10 guidelines and manuals and ground rules are actually
11 being used to carry out these forest management
12 activities.

13 Fourthly, the audit team would examine
14 and report on the relationship between harvest, forest
15 renewal that has occurred on the forest management
16 units during the period of time. Are we cutting it,
17 are we regenerating it, and what is the relationship
18 between the two.

19 This is something that the public quite
20 frequently asks for, you know, what's the success out
21 there.

22 The fifth is to determine for the forest
23 management unit managed under the forest management
24 agreements whether the FMA holder is actually meeting
25 his obligations as per the agreement and recommend if

1 it should be extended for another five years.

2 And those are the five main terms of
3 reference for the independent audit that we are
4 recommending.

5 MR. FREIDIN: Madam Chair, I notice just
6 by listening to the evidence, there are some slight
7 differences between the answer to the interrogatory and
8 the information that was on the slides being referred
9 to by the witness. I am wondering whether these slides
10 could be marked as an exhibit.

11 MR. COSMAN: Certainly. I am not sure,
12 Madam Chair, when I just looked at the same whether or
13 not there is -- this obviously has gone through a
14 number of drafts and I want to make sure that you get
15 the ultimate draft that reflects, you know, the
16 considered position of Industry.

17 The overhead slides do differ in some of
18 their language, although I think they are essentially
19 the same, but I have certainly no objection to having
20 copies of the slides marked and I will make it very
21 clear to the Board and my friend as to what is the
22 final statement of Industry in terms of their proposal
23 for an independent audit,

24 So if you want to reserve a spot in your
25 exhibit list at this point in time, just say copies of

1 overhead slides, because I don't have additional's to
2 hand out at this time.

3 MADAM CHAIR: All right. We will reserve
4 Exhibit No. 1275 for copies of the overheads slides
5 pertaining to Exhibit 1272, MNR Interrogatory No. 21.

6 MR. COSMAN: Yes, thank you.

7 ---EXHIBIT NO. 1275. Hard copies of slides pertaining
8 (reserved) to MNR Interrogatory Question
No. 21.

9 MR. COSMAN: Q. Now, Mr. Munro, I would
10 like to just step back. You have indicated who would
11 do it and the process by which it would be done or the
12 kind of person that would do it.

13 You haven't indicated exactly who, that
14 you've indicated would be the decision for the MNR.
15 Where does that now fit into your process, going back
16 to Tab 2, where would that be considered in the
17 preparation of the plan?

18 MR. MUNRO: A. Maybe I'll just sit.

19 Q. Yes.

20 A. Would you repeat the question?

21 Q. Yes. You've indicated what would be
22 done, you have indicated the audit process. Now, I
23 just want to come back to Tab 2 on page 3 and just
24 identify, before we go to the timetable, where the
25 results of the audit would be considered?

1 A. The results of the audit would be
2 considered by the plan author during the preparation of
3 objectives and targets for the next plan -- excuse me,
4 the proposed objectives and targets for the next plan,
5 as well they would be highlighted in the executive
6 summary so that the general public would have the
7 opportunity to use the audit to provide their input and
8 review as well.

9 Q. Now, I would like to put this in the
10 context of timetable preparation for the timber
11 management plan and you have the hard board exhibit
12 number which escapes me which is mounted closest to the
13 members of the Board.

14 I wonder if you can go to that, it's
15 Exhibit 1273, and indicate what that exhibit represents
16 and I will ask you a number of specific questions
17 relating to certain parts of it.

18 A. Okay. The exhibit represents the
19 timetable for plan preparation.

20 Q. Sorry, that is the whole, all three
21 pages to it, all three boards?

22 A. Yes, there's actually three boards.
23 Mr. Fry will be addressing the plan production review
24 and approval schedule, I will be dealing basically with
25 the pre-planning components that I have described

1 earlier this morning.

2 Q. All right. So the particular exhibit
3 which is -- I don't think anyone has marked the exhibit
4 number on it, Madam Chair. Maybe that is -- I wonder
5 if that could be marked with 1273 A.

6 MR. FREIDIN: I am just wondering, while
7 that is being done, is the hard copy -- is this within
8 the material now?

9 MR. COSMAN: No, I don't believe it is.

10 MADAM CHAIR: I think that was submitted
11 earlier with your overview.

12 MR. COSMAN: It was presenting during the
13 overview but not marked as an exhibit at that time.

14 MR. FREIDIN: Could we get hard copies?

15 MR. COSMAN: I will make sure you do.

16 MR. FREIDIN: Thank you.

17 MR. COSMAN: Q. All right. So board A is
18 the pre-planning component of plan preparation; is that
19 right?

20 MR. MUNRO: A. That's correct, yes.

21 Q. How long a period is that?

22 A. The pre-planning components run for
23 one year from the start to the finish before the plan
24 production period actually begins. So there is no plan
25 production in terms of actual timber management

1 activities being planned within this one-year period,
2 we are going to do all the pre-planning and then we are
3 going to produce the plan based upon review of that
4 pre-planning.

5 MR. COSMAN: Just -- I'm reminded that in
6 fact, as Madam Chair perhaps remembered even better
7 than I, at the overview we actually did hand out and
8 the Board did follow along on an exhibit document which
9 is the same as the boards, so that has been marked as
10 an exhibit as part of, I believe, slide overviews.

11 You will remember, Mr. Freidin, there was
12 a series of overheads and we had presented the hard
13 copy for that, but if you've lost your copy, I'll
14 certainly make another available to you.

15 MR. FREIDIN: That was one of the few
16 days I missed.

17 MR. COSMAN: Q. All right. So year one
18 is pre-planning, and is there a set schedule for
19 pre-planning in year one?

20 MR. MUNRO: A. Yes, there is. What we
21 are recommending is on January 31st - now this would be
22 approximately two years before the plan needs to be
23 approved, in fact it would be two years four months
24 before the plan actually needs to be approved for
25 implementation, that the Ministry of Natural Resources

1 would send out a notice of a list of all plans that are
2 going to be commenced within that planning year.

3 At the same time they send out that
4 notice, or a little later, they would send out a notice
5 or invitation to participate, much similar to what MNR
6 has described to you in their evidence. At the same
7 time that those notices are going out, the integrated
8 resource user committee starts their review of regional
9 goals and objectives, so that they can provide the plan
10 author with some direction and some input.

11 On May 1st the citizens committee reviews
12 the direction that has been provided from the regional
13 committee and provides input and advice into the
14 development of management options and the
15 identification of values. So basically the plan author
16 would take, or the district manager and plan author
17 would take their values map and their preliminary
18 executive summaries to the citizens committee at this
19 point in time for their review and input.

20 We have allowed from May 1st to October
21 1st for the plan author and district manager to
22 consider that advice, change the executive summaries
23 and then take it to the general populace on October
24 1st.

25 What you see here is on October 1st the

1 executive summaries for background information,
2 integrated resource database, report on forest
3 operations, proposed future direction will be presented
4 to the general populace at that time for their review
5 and input.

6 In addition to the three executive
7 summaries, the input and advice received from the local
8 citizens committee will be highlighted as well. This
9 is to provide -- to ensure that the general populace
10 has a feel for what their local citizens committee is
11 doing and really provides an informal opportunity for
12 those interested publics to talk directly to the local
13 citizens committee at their convenience.

14 On October the 31st after the
15 information centre has been held the district manager
16 and plan author takes the results of the review and
17 incorporate it into the executive summaries and they
18 present that on December 1st to the integrated resource
19 user committee for their review and input.

20 That basically describes the timetable
21 for pre-planning. Once all this information has been
22 presented to the public, the plan author is provided
23 with direction of how he or she should proceed with the
24 production of the actual plan.

25 All this information in terms of the

1 executive summaries will be available in the plan as
2 part of the supplementary documentation and there will
3 be the opportunity for the general public as well as
4 the advisory committees to take a second look at it
5 during the plan production.

6 Mr. Fry will continue on in terms of what
7 happens after this point.

8 Q. Yes. And, Mr. Munro, just before we
9 leave it then, the OMNR hosted information centre which
10 you have under October 31st, is that the same
11 information centre that you referred to earlier in your
12 evidence that deals with each of the pre-planning
13 components?

14 A. That's correct. There is only one
15 information centre that deals with all three items.

16 Q. And is that again the same
17 information centre which you say we don't have now
18 under the present system at a pre-planning stage?

19 A. That's correct. That information
20 centre is not currently a requirement, and the main
21 purpose of it is to make sure that the public has the
22 opportunity to understand and be educated on what the
23 actual planning process is and has the opportunity to
24 review the basic framework within which planning takes
25 place.

1 Q. Thank you, Mr. Munro. We will be
2 coming back to you in a few minutes with respect to the
3 enhanced planning process, but I now ask the Board to
4 turn to Tab 3 if they would, Plan Production, and I
5 will be addressing some questions to Mr. Dick Fry.

6 Now, Mr. Fry, you have prepared the
7 summary at Tab 3?

8 MR. FRY: A. That is correct, I have.

9 Q. And where in your evidence, in the
10 witness statement does your evidence commence?

11 A. Commences on page 26 and runs through
12 to page 31.

13 Q. All right. What I'd like to do first
14 is ask you to address yourself to the comparison
15 document, the left-hand column at Tab 3, and ask you to
16 describe the steps for plan production as proposed by
17 Industry making comparisons at each stage where you can
18 with respect to what MNR does under its planning
19 system.

20 MR. MARTEL: What page in the witness
21 statement, Mr. Cosman?

22 MR. COSMAN: In the witness statement,
23 page 26. You'll see a 3.3 halfway down the page.

24 Q. Mr. Fry?

25 MR. FRY: A. Perhaps I might say at the

1 outset that up to this point in time you have heard
2 testimony from Mr. Innes and Mr. Munro that outlines
3 some significant differences between what we are
4 proposing as an industry in terms of integrated
5 resource planning for timber management and what the
6 Ministry -- the evidence that the Ministry has provided
7 at this hearing.

8 When it comes to plan production,
9 however, a great deal of what I will be outlining here
10 is very similar to testimony that you have in evidence
11 that you've already heard from the Ministry.

12 What we see ourselves doing in our
13 presentation here -- presentation of evidence here is
14 providing a somewhat more streamlined process that will
15 develop a more concise, more easily understood plan,
16 more easily understood by the public.

17 One of the ways that we have done that is
18 to take the pre-planning effort, as described by Mr.
19 Munro, which involves a great deal of data collection,
20 analysis of policies, analysis of data, providing --
21 and coming up with a number of alternative courses of
22 action that can be pursued in a plan and present this
23 to the public in the form of the local citizens
24 committee, in the form of the technical group, local
25 technical group, in the form of public information

1 centre, and to the integrated resource users committee.

2 So that when the plan author starts to
3 commence preparation of the plan a lot of this
4 nitty-gritty which involves quite a bit of detail,
5 quite a bit of bulk of information is out of the way
6 and is summarized in the executive summaries that Mr.
7 Munro has described.

8 He, the plan author, will commence plan
9 preparation then with information that has been gleaned
10 from personal contact from parties that have expressed
11 interest in the planning process, expressed interest in
12 the planning area and have responded to either or both
13 of the invitations to participate or to the information
14 centre, and he will be starting with recommendations,
15 views and opinions presented by the various advisory
16 committees that this information has gone through and
17 the technical experts that the Ministry has named as
18 being on that technical group.

19 Q. Mr. Fry, if I can just stop you
20 there. You indicate the kinds of information at that
21 point with the pre-planning completed in effect that
22 will be available to the plan author, and there is all
23 kinds of information from different sources you
24 described.

25 Can the plan author ignore this

1 information, disregard it in proceeding to prepare a
2 plan?

3 A. Well, in our system, as you are
4 aware, we have indicated that --

5 Q. When you say in our system, you mean
6 in the proposed system?

7 A. In the proposed system.

8 Q. Yes.

9 A. The plan author is responsible for
10 the preparation of the plan and with all this
11 information that is available it would be to his
12 interest, in fact he would ignore the advice that he
13 has received at his peril.

14 Q. Why is that?

15 A. Ultimately the Ministry of Natural
16 Resources is responsible for plan approval and it is
17 highly unlikely, in my view, that the Ministry of
18 Natural Resources is going to approve a plan that is --
19 that contains direction or contains material in it that
20 has been -- has gone through this public process or
21 review that would be in opposition to many of the
22 viewpoints that have been expressed by the public, that
23 have been expressed by the technical experts of the
24 Ministry.

25 So I would suggest that it would be most

1 unlikely that plan author would not incorporate that
2 information in his plan, his draft plan.

3 Q. And if he didn't, it would be open to
4 the MNR to refuse to approve it or to alter it?

5 A. That is correct.

6 Q. Now --

7 A. Not only that, I think one thing that
8 we must keep in mind is that our proposed process
9 really opens up the decision-making, it is not
10 something that is done in a steering -- or a planning
11 team behind closed doors, it is something that is done
12 in conjunction with two advisory committees, it is done
13 with by the plan author dealing directly with
14 individuals who have expressed interest, as well as
15 with the technical groups.

16 So that the whole planning system has
17 been opened up, and I know that speaking as a plan
18 author I would be very loathe to go to the open house
19 or the information centre that I will be describing
20 briefly -- shortly with a plan that my peers in the
21 community are going to see that does not respond to the
22 public interest.

23 Q. All right. Mr. Innes also described
24 how different viewpoints, public viewpoints will be
25 brought out through the opening up of the process and

1 he indicated in response to a question from me that the
2 Ministry of Natural Resources and other parties will
3 not have their authority diminished by clarifying the
4 responsibility of the plan author to prepare the plan
5 in the first instance.

6 Do you agree with Mr. Innes' opinion on
7 that?

8 A. I agree because, as I said earlier,
9 ultimate authority for plan approval lies with the
10 Ministry of Natural Resources and as a plan author I
11 would be -- I would have to deal directly with the
12 technical experts, the biology -- the fisheries
13 biologists, the wildlife biologists, all those persons
14 that would be named by the Ministry of Natural
15 Resources to that technical group, I would have to deal
16 with those people and address their concerns, get
17 advice from them, direction from them to incorporate in
18 the plan because they are the ones that are no doubt
19 going to be part of the review process in any event.

20 Q. All right. If I can take you back,
21 I'm sorry, you had completed bullet two. Can you take
22 us through to the next bullet that you have referred
23 to.

24 A. Well, I think I've --

25 Q. You've actually dealt with that as

1 well, three.

2 A. I believe so, yes.

3 Q. All right.

4 A. Do you want me to go through it
5 again?

6 Q. No, not go through it again, but go
7 on to the next point under plan production?

8 A. One of the things that we will start
9 plan preparation with is a values map. As the Board
10 may be aware right now, I believe that there is a
11 values map that is part of the Ministry of Natural
12 Resources process that they have described, and we are
13 attaching in our proposed system a great deal of
14 attention to that values map, we consider it to be a
15 major source of input from a variety of different
16 sources.

17 As a result of having gone through an
18 information centre and, once again, through the vetting
19 process with the local citizens committee who, as you
20 will note one of their terms of reference was to have a
21 great deal of input into the development of the values
22 map, provide advice into the development of it, we
23 should have a reasonably complete inventory of the
24 various values associated with the forest which we are
25 developing timber management plans or an integrated

1 resource plan for.

2 We see in addition to the map itself
3 there would no doubt be some sort of written inventory,
4 written record that relates to the map. That would
5 indicate such things as the person or persons or
6 organizations that may have been responsible for
7 identifying that value and as a result of having access
8 to this record, we would then know who we would have to
9 deal with in developing planned operations in the
10 vicinity of that value.

11 This would have been information, as I
12 said, that would come through the information centre.

13 Q. All right. How do provincial
14 guidelines and manuals play a role here?

15 A. As I believe, it was Mr. Munro that
16 indicated or Mr. Innes, we see the various provincial
17 guidelines and manuals as being a very important part
18 of our proposed process. Perhaps what I could do at
19 this point is lead us through or lead the Board through
20 a mechanism or the process that I think we would follow
21 in terms of the use of those guidelines.

22 Q. Yes. And here I understand you
23 prepared an exhibit, Mr. Fry?

24 A. Yes, I have.

25 MR. COSMAN: Now, it may be necessary - I

1 don't know if the Board can see it from where it sits -
2 but if it's necessary for the Board or any party to get
3 a little closer --

4 MADAM CHAIR: Do you want an exhibit
5 number for this, Mr. Cosman?

6 MR. COSMAN: Excuse me?

7 MADAM CHAIR: Do you want an exhibit
8 number for this?

9 MR. COSMAN: Yes, please.

10 Q. How would you describe the document,
11 sir?

12 MR. FRY: A. Well, this is an example
13 of an allocation on a base map 1:15,840. This is the
14 operating level of detail that is to be employed in
15 terms of plan preparation.

16 MR. COSMAN: Let's call it sample
17 operating map. Would that be accurate?

18 MR. FRY: That sounds good.

19 MADAM CHAIR: That will be Exhibit 1276.

20 ---EXHIBIT NO. 1276: Sample operating map on scale of
21 1:15,840.

22 MR. FRY: Okay. Maybe I would just back
23 up a few steps here and talk about plan preparation and
24 how we get to this point.

25 As I indicated, our process is very

1 similar to the Ministry's process. One of the things
2 that we would decide on relatively early in the process
3 is the objectives, targets and strategies that would
4 guide the development of our planned operations.

5 These objectives, targets and strategies
6 would be -- would have been discussed in great detail
7 in the pre-planning phase and it would simply be a
8 matter of taking into consideration all the input that
9 we had up until the point of plan preparation and
10 selecting a set of objectives that would best respond
11 to public concern, best respond to goals and objectives
12 of management on this particular unit.

13 We would have reviewed in the
14 pre-planning phase various silvicultural systems and
15 ground rules and, once again, we would select the most
16 appropriate silvicultural systems and ground rules
17 tables for this particular unit.

18 There would have been a number of maximum
19 allowable depletion processes looked at, perhaps a
20 number of models that we would have gone through,
21 analysed, and would have developed and selected prior
22 to this point a maximum allowable depletion that we
23 would use in preparing our integrated resource plan.

24 There would have been eligibility
25 criteria discussed. These would all have been things

1 ~~that~~ that would have been done in concert with the technical
2 group of the Ministry of Natural Resources, and I would
3 suggest to you that if I was a plan author in this
4 particular system that probably at that point I would
5 have paused and gone to the local citizens committee
6 and just talked to them for a while and present the
7 results of our discussions and where we look at going.

8 MADAM CHAIR: Excuse me, Mr. Fry. With
9 respect to the silvicultural methods that you might be
10 looking at--

11 MR. FRY: Yes.

12 MADAM CHAIR: --would you put the range
13 of possible alternatives or would have decided already?

14 MR. FRY: We would put the range of
15 possible alternatives on a site-specific basis.

16 MR. MARTEL: That last step, would it be
17 obligatory? You said you would probably call, that
18 wouldn't be -- you're not making that compulsory
19 though, that would be left to the plan author?

20 MR. FRY: Well, it is compulsory that we
21 discuss things with the local citizens committee.
22 Rather than doing it little bit by little bit, I think
23 that there would be natural break in the process,
24 different steps in the process and this would be one of
25 those natural breaks I believe. It could be done

1 differently, but that's the way I'd do it if I was...

2 Following that there would have been a
3 set of eligibility -- harvest eligibility maps that
4 would have been prepared that would include a look --
5 more than a look, it would include 20-year access
6 proposals, which I believe Mr. Young is going to speak
7 of in greater detail shortly. The eligibility maps
8 would be the same as described in the Ministry
9 testimony.

10 And then we would get to the point of
11 allocation, where we would go through considerable
12 effort to derive an allocation that meets the goals and
13 objectives of the plan, and one of the things we would
14 then come up with is a map of this type. By way of
15 explanation blue means water, lake primarily, the two
16 shades of yellow represent different types of stand
17 conditions, one balsam fir.

18 MR. COSMAN: Q. Sorry, I can't hear you,
19 Mr. Fry.

20 MR. FRY: A. I'm sorry. Two different
21 colours of yellow represent balsam fir stand conditions
22 or working group, spruce working group, a little bit of
23 brown here just represents poplar working group stands.
24 The red represents areas that we consider to be
25 reserves, and I'll talk about those in greater detail

1 in a few moments.

2 What we would show on this particular map
3 are the values that are associated with this particular
4 allocation, they would come from the values map.

5 Q. Let me stop you there, Mr. Fry. This
6 document that you are now putting forward as a sample
7 of an operating map that would be part of the plan,
8 shows the kind of prescription that you would find
9 under the proposed planning system that Industry is
10 putting forward?

11 A. That is right.

12 Q. All right. Now, so you would -- just
13 so we understand fully what we have, you as a plan
14 author have a values map, you have gone through all the
15 pre-planning, you know what values have to be protected
16 in this area, and I take it you would plot those on the
17 map?

18 A. That is correct.

19 Q. All right. Now, having regard to the
20 top of page 2, the bullet on the top of page 2 on your
21 summary, you make a distinction between two different
22 things; you say:

23 "Provincial guidelines/manuals are
24 used..."

25 MR. COSMAN: Do you see that, Madam

1 Chair?

2 MADAM CHAIR: Yes.

3 MR. COSMAN: Q. Okay.

4 "...are used to develop proposed plan
5 activities to protect enhanced values.
6 Prescriptions are documented on the
7 operating maps."

8 So what you're going to show the Board
9 now is how such prescriptions would be documented on an
10 operating map?

11 MR. FRY: A. That is correct.

12 Q. And then in addition to that - let's
13 go to the second part just before we actually do that -
14 you say:

15 "Where it is proposed to deviate from the
16 guidelines/manuals or where there is no
17 guideline/manual or where the enhanced
18 planning process is initiated...", and we
19 will come to that,

20 "...these instances will in addition...",
21 that's in addition to being on the map,

22 "...be highlighted in the plan and fully
23 documented."

24 A. That is correct.

25 Q. So there's two different things;

1 there's the use of the guidelines to prepare operating
2 maps and which will demonstrate how values are
3 protected, and then if they cannot because of some
4 absence of guideline or because there's a problem with
5 the enhanced planning process that's taking place,
6 there's a separate process?

7 A. That's right.

8 Q. All right. So just so we're dealing
9 with the first ordinary map that you would have and
10 that any member of the public coming in could look at
11 and say: How is this value being protected, and it
12 would be shown?

13 A. That is correct.

14 Q. All right. Maybe we can carry on
15 then.

16 A. Incidentally, we foresee a map very
17 similar to this, very evident -- not evident, that is
18 not the right word - but very clear map that indicates
19 the extent of the proposed operations and the extent of
20 the work that will be done to protect various values.
21 That would show up at an information centre, would be
22 presented at an information centre that I will talk
23 about in a few moments, and we also foresee, however,
24 that as part of the plan we may well be preparing maps
25 in a reproducible form. This obviously is not easily

1 reproducible with a lot of colours, that may go along
2 with different copies of the map. So there may be a
3 GIS generated map that concentrates rather than on
4 colours -- not on colours, but rather on cross-hatching
5 of some sort as being what would go along with the
6 plan.

7 This is what would show up or this type
8 of thing is what would show up at an open house so it's
9 evident, clear to the public, the lay public.

10 Q. Whether it's a coloured map or a GIS
11 generated map, the prescriptions are documented on the
12 operating map itself?

13 A. That's -- the only thing that will be
14 different will be colours versus cross-hatching --
15 cross-hatched.

16 Q. Okay. So I come in, I have
17 identified an osprey nest. What does this map do for
18 me?

19 A. Okay. You as a member of the general
20 public at some point in time may have identified a
21 heronry.

22 Q. All right.

23 A. And in this particular case you have
24 located a heronry just south of this small lake right
25 here, it would be plotted on this map.

1 There is a lake in here on which there is
2 an outpost camp located that is used during the first
3 two weeks of the moose hunt season by a fly-in lodge to
4 put hunters, moose hunters in on that particular lake.
5 That might have been identified by the tourist
6 outfitter.

7 There is a stream in here that is
8 documented by the Ministry of Natural Resources as a
9 cold water fishery, a brook trout fishery. That would
10 come from -- would have been taken from the values map,
11 it would be identified on here as such.

12 A local trapper might have identified a
13 stretch of that stream in here as a place that he
14 actually saw brook trout spawning during the fall of
15 the year. I'm not a biologist, but I hope it's the
16 fall. So that would be identified. This might be
17 identified as a warm water fishery lake up in this area
18 here.

19 Q. You are referring to the blue area in
20 the top of the map?

21 A. That is correct. So those are the
22 values that would be -- would have been identified and
23 labeled right on the map.

24 Q. All right. Now, it's hard for
25 everyone to see from where they are seated, but do you

1 -- have those specific values identified, located and
2 labeled right on this operating map?

3 A. That is what these labels are; remote
4 outpost, these ones.

5 Q. Just read it off, just so that if I
6 were to come in and I were that remote operator, what
7 would I see?

8 A. Well, first of all, you would see
9 what the value is and you would also see the
10 prescription that is being implemented to protect that
11 particular value.

12 Q. So underneath --

13 A. So under this you would see no
14 logging operations within 1,000 metres from October 1st
15 to 31st, or 15th whatever had been negotiated with the
16 tourist outfitter, and you would see access within
17 1,000 metres by winter tertiary roads only. Again,
18 something that might have been negotiated with the
19 tourist outfitter to ensure that the remoteness of this
20 particular lake is protected.

21 Q. All right. Could you do the same
22 thing with each of the other values that you've
23 described, showing what prescriptions have been made to
24 protect those values?

25 A. What I would just like to do, before

1 I do that, is back up for one second to talk about how
2 we would develop prescriptions or planned operations in
3 the vicinity of those values, and we would do that by
4 going first off to the implementation manuals, to the
5 guidelines that have been identified in our witness
6 statement.

7 We would apply those guidelines as they
8 are required to be applied. For example, in this
9 heronry rookery, we would discuss this type of thing,
10 if that had been identified, with the Ministry of
11 Natural Resources, and we know that the osprey --
12 pardon me, that the heronry guidelines require a zone
13 of no development whatsoever within, I believe it's 300
14 metres of the outer periphery of the nesting area.

15 If that was acceptable to the technical
16 experts, the biologists, that would be indicated under
17 heronry, no harvest within 300 metres of nest and it
18 would be portrayed graphically on the map.

19 Q. And in this case it's portrayed
20 graphically by the red circled reserve?

21 A. Correct.

22 Q. Okay.

23 A. The guidelines also say that within
24 1,000 metres of the heronry there can be no heavy
25 development during the nesting season, which in

1. northern Ontario is between April 15th and August 1st.

2 That would be graphically identified by a circle that
3 describes the 1,000-metre zone around the periphery of
4 the nest, and there would be a label put on the
5 heronry, no heavy development within 1,000 metres of
6 nest between April 15th and August 1st.

7 There would be a cross-hatching system in
8 here that would indicate that is a modified operation,
9 that you have to do something special to protect that
10 particular value. We are taking this right out of the
11 guidelines.

12 However, in discussions with the Ministry
13 of Natural Resources -- pardon me, with the technical
14 group, this particular area is an area that is very
15 heavily damaged by spruce budworm, it has a substantial
16 amount of balsam fir in it that is dead and/or dying
17 and we anticipate that there is likely to be a
18 substantial amount of slash on the ground that is going
19 to affect the success of site preparation activities
20 and we feel that there should be a prescribed burn
21 conducted in perhaps one of the areas that is graded to
22 have this heaviest concentration of slash, this area
23 right here.

24 Part of that unfortunately, as you can
25 see, is located within that 1,000 metres, so we would

1 have to sit down with the technical experts again,
2 discuss whether or not it is possible to operate, to
3 carry out a prescribed burn after August 1st and, in
4 this particular case, in the discussions with the fire
5 protection specialists, with the Ministry of Natural
6 Resources, with the biologists, from the Ministry of
7 Natural Resources, with the forester who's on the
8 technical committee for the Ministry of Natural
9 Resources, we negotiated in this case a situation where
10 this area would constitute a deviation from the
11 guidelines, in that while there can be no heavy
12 development within this zone; in other words, no
13 logging, no road construction, no site preparation, it
14 would be permissible to carry out a prescribed burn
15 after July 15th, as long as the prevailing winds during
16 the conduct of the burn were out of the west or out of
17 the southeast which would carry smoke away from the
18 nesting area.

19 That deviation would be identified by a
20 cross-hatching system which would call you -- which
21 would call your attention to the deviation and also
22 suggest that you should look at Table 5(e), that would
23 be indicated on this legend down here.

24 We would have a label that would identify
25 the heronry, that would identify the conditions of

1 ~~operation in here~~ as being no heavy development as I
2 stated, and that the prescribed burn would be permitted
3 after July 15th but, again, only with the westerly to
4 southeasterly winds.

5 One would then go to Table 5(e) which
6 would be carried in the body of the plan that
7 identifies those values where there has been some
8 deviation from the guidelines. It highlights them and
9 it identifies the prescription.

10 One would also go to the supplementary
11 documentation within -- that would form part of the
12 plan for a full discussion of the environmental
13 analysis of that particular prescription. We would go
14 through a posing of alternatives, an analysis of those
15 alternatives, an environmental analysis of those
16 alternatives, development of preventative, mitigative
17 measures and selection of the planned or proposed
18 operation and the rationale for it.

19 Q. So that environmental analysis that
20 you just described would be contained in the plan if
21 there were to be a deviation from the guidelines?

22 A. That is correct.

23 Q. But if the prescription was in
24 accordance with the guideline, the prescription would
25 be shown on the operating map and be available to any

1 member of the public looking at it, but there would not
2 be that environmental analysis that is necessary when
3 there is a deviation?

4 A. That is right.

5 Q. Okay.

6 A. The only documentation that would
7 show up within the plan where we are staying within the
8 guidelines to protect a certain value is what would
9 show up on this map.

10 Q. Now, apart from deviation, what
11 happens if I look at -- I'm a member of the public and
12 I look at something that you're doing by way of
13 protection, whether or not it's in guidelines, and I
14 say: I don't like it, I don't think the guidelines are
15 going to protect this value, what happens then?

16 A. At that point if there is concern
17 expressed by a member of the public that we haven't
18 done the right thing, for example, in this area here,
19 that he just does not agree with what we're doing, at
20 that point we would -- maybe I'll back up for a moment.

21 The point that they would tell us that,
22 suggest that to us would be at the information centre
23 where we are presenting our draft plan, which I'll get
24 to in a few moments.

25 Q. Yes.

1 A. If he comes to us at that point and
2 says he has problems with it, then it goes to an
3 enhanced planning process which will be described by
4 Mr. Munro in a few moments.

5 Q. All right. So the point is, that if
6 a member of the public has a concern, even if something
7 is within the guidelines as far as it's presented,
8 there still is the -- it's still open open to that
9 member of the public to go through a further process
10 see if that concern can be addressed?

11 A. That's correct.

12 Q. And jumping ahead --

13 MR. MARTEL: Can you stop there just for
14 a moment.

15 MR. COSMAN: Yes.

16 MR. MARTEL: But at that point you would
17 not have reached this stage of the development?

18 MR. FRY: Which point?

19 MR. MARTEL: At the point that the
20 first -- you said that the first opportunity to express
21 concern that something wasn't done properly would be at
22 the information centre. I think that's what you said.

23 MR. FRY: That's right.

24 MR. MARTEL: This map is ready for the
25 information centre?

1 MR. FRY: That's right.

2 MR. MARTEL: Oh, okay then.

3 MR. FRY: I haven't gotten quite to the
4 second information centre.

5 MR. MARTEL: Right, okay.

6 MR. COSMAN: Q. All right.

7 MR. FRY: A. Can you repeat your
8 question, please. Maybe you didn't have one.

9 Q. I'll come back to it. Okay. I was
10 saying, and just see if you can tell me if I understand
11 this correctly, that where the guidelines address --
12 where the guidelines are applied to protect values and
13 no concern is expressed by a member of the public which
14 kicks in the enhanced planning process, then what the
15 member of the public would see would be a map such as
16 the one that you have presented?

17 MR. FRY: A. That is right.

18 Q. Should there should be a deviation
19 from the guidelines, then there would be a notation on
20 the map so that the member of the public would know
21 that, and then you would have an environmental analysis
22 of alternatives that would be presented along with the
23 plan?

24 A. That's correct. And That would also
25 happen in the event that there are no guidelines

1 either.

2 Q. And if they are in the case, there is
3 a deviation from the guidelines or the guidelines do
4 not cover the situation?

5 A. Right.

6 Q. And the third situation is that even
7 if the guidelines cover the situation and suggest a
8 prescription, if I as a member of the public take a
9 look at it and say I still don't like it, then the plan
10 author would be obliged to go through the enhanced
11 planning process which includes environmental analysis
12 of alternatives?

13 A. That's correct.

14 Q. All right, thank you. And comparison
15 with the MNR system, looking at the other side of
16 the -- on the right-hand column, what is done now?

17 A. Right now what is done would be that
18 every one of the values that would show up on here
19 would go through a detailed environmental analysis
20 similar to what we are suggesting we would be following
21 in the event that there is deviation from the plan --
22 pardon me, from the guidelines.

23 The difference of course is that where we
24 follow the guidelines there is much less volume of
25 material, much less documentation that one would have

1 - to wade through to find out what has been done.

2 The material that would be there in terms
3 of documentation of what we do to protect a value is
4 where there is some concern that we are not doing the
5 right thing, as I pointed out, where there are no
6 guidelines, where there is a deviation from those
7 guidelines, where someone has some concerns and the
8 enhanced planning process kicks in, that is where we
9 would get into the detailed documentation of why we
10 have done -- a detailed documentation that would
11 support our decision.

12 Q. And what is wrong with -- Mr. Fry,
13 what is wrong with having an analysis of everything
14 whether or not it's necessary?

15 MR. FREIDIN: Well...

16 MR. COSMAN: Q. In your opinion?

17 MR. FRY: A. Well, in my opinion it's
18 wasteful and unnecessary. I think that what our
19 process will do is concentrate our efforts on an
20 analysis where an analysis is required, where there is
21 some concern, concentrates our effort on the important
22 areas.

23 Q. And is there a problem in not
24 concentrating only on the important areas?

25 A. Well, I think the problem is that, in

1 addition to other things, that one of the problems is
2 that there is a tremendous volume of information that
3 any member of the general public would have to wade
4 through in order to sort out the documentation, the
5 decision-making process and it becomes a daunting task
6 to many members of the lay public.

7 And I believe that it would, as I say,
8 would concentrate our efforts on the areas where it is
9 important to concentrate our efforts and reduce the
10 amount of time that would be spent on what I would
11 consider to be wasteful and unnecessary documentation.

12 Q. Sir, is there a question of resources
13 inherent in that answer?

14 A. Well, I think there always --
15 development of a timber management plan is always a
16 very time consuming, very lengthy process and by
17 eliminating a large part of the time that is currently
18 spent in the development of a timber management - of a
19 timber management plan that we can concentrate our
20 efforts on those areas that are very important to us.

21 Q. All right. Now, if I can take you --
22 is there anything further you wish to add with respect
23 to the mapping itself?

24 A. Just one -- not particularly with
- 25 regards to this mapping, but just to the allocation

1 process. One thing that doesn't show up on here of
2 course is five-year access proposals. That will be
3 spoken to with greater detail by Mr. Young in a few
4 moments.

5 One of the things that we would also show
6 in our -- on maps such as this would be a contingency
7 area, and this would be a contingency area that is
8 required to meet -- circumstances that are unforeseen
9 at the time of plan preparation; for example, a major
10 fire, a major blowdown, the contingency area would
11 represent a sixth year of allocation and it would have
12 all the planning done and completed, so that in the
13 unlikely event that that contingency area would be
14 required, that it would be available to us on short
15 notice.

16 Q. All right. The next step in the
17 process, which you describe in your last bullet on page
18 2, is that an executive summary of the plan is prepared
19 that highlights important plan features as well as
20 input and comment from the public and advisory
21 committees. Is there an outline of such an executive
22 summary contained in the material?

23 A. No.

24 Q. All right.

25 A. I may stand corrected on that.

1 Q. All right. Appendix IV sets out the
2 outline of the plan itself?

3 A. That's right.

4 Q. The executive summary would be part
5 of the supplementary documentation contained in that
6 plan?

7 A. That's right. It would simply -- if
8 you turn to page 92, there's a Table of Contents there
9 and it would simply be a digest of the salient points
10 from the timber management plan.

11 It would highlight problems and issues,
12 direction that the plan is going to take, et cetera.

13 Q. All right. And on the MNR side is
14 there an executive summary required at the present
15 time?

16 A. At the present time there is no
17 executive summary required.

18 Q. And why do you feel that the
19 preparation of an executive summary is necessary or
20 important?

21 A. I think that the preparation of an
22 executive summary at this stage serves the same purpose
23 as described by Mr. Munro at various stages of
24 pre-planning, it presents a concise summary of what is
25 contained in the plan, it makes it relatively easy for

1 the lay public to see and understand the salient points
2 there, to highlight concerns that they may have that
3 they can then go back to the timber management -- to
4 the integrated resource plan for further information.
5 It's something that they can take home with them that
6 they may want to digest before they make any comments,
7 if they should to wish to make comments.

8 Q. All right. Before going to the
9 timetable for all of this, you highlight under plan
10 review on page 2, two points and make the comparison
11 with what the existing planning system is in this
12 regard; that is, the MNR system.

13 Can you just highlight to the Board what
14 those two points are and what the differences are from
15 the MNR system?

16 A. Well, as you are aware, the Ministry
17 system at the present time there is one information
18 centre at which time preliminary proposals - I believe
19 is how they term them - are presented for public review
20 and input.

21 As you can see, we are proposing that we
22 actually submit a draft plan at the information centre.
23 The reason for that is that, first of all, in our
24 proposed system there has already been one open house
25 in which the general public has been able to express

1 their interest, their concerns as to the direction that
2 the timber management planning should take on that
3 particular forest. So we have, by the time we start
4 plan preparation, some fairly good ideas as to what the
5 general public is interested in and through the various
6 opportunities that were presented to review
7 pre-planning information.

8 So that we then go to our second
9 information centre with some hard information, with
10 some real proposals that would allow people - it's been
11 my experience that that is what most of our open
12 houses -- most of the people that go to those open
13 houses want to see, they want to see how operations are
14 going to impact their particular interest, and at this
15 point we will have that in terms of the draft plan.

16 We will also have at that information
17 centre the Ministry's review of the draft plan with the
18 list of required alterations so that the public can see
19 what the Ministry of Natural Resources as the
20 regulatory body feels about our efforts up to that
21 point in time.

22 In my view it would provide the general
23 public with a certain degree of perhaps comfort that
24 guidelines are being followed, that processes are being
25 followed, that things are being done in ways that meet

1 the legislative requirements or regulatory requirements
2 of the planning system.

3 The second point at which there would be
4 public scrutiny of the plan is after the final plan has
5 been prepared for submission to the Ministry and prior
6 to approval, it goes out for a public inspection
7 comment for a 30-day period, similar to the situation
8 at the present time where a plan is approved by the
9 Ministry subject to the 30-day review period and
10 inspection period.

11 Q. Thank you very much, Mr. Fry.

12 MR. COSMAN: Madam Chair, I am just about
13 to go on to a new topic. I wonder if -- I don't know
14 how you --

15 MADAM CHAIR: We could take a break now
16 if you want, Mr. Cosman. Do you?

17 MR. COSMAN: Would you ordinarily break
18 at three o'clock?

19 MADAM CHAIR: Well, we've changed the
20 schedule. I don't know. It used to be 3:10 and then
21 it was 3:20.

22 MR. COSMAN: I'm in your hands.

23 MADAM CHAIR: This is fine. We can break
24 now for 20 minutes.

25 ---Recess taken at 3:00 p.m.

1 ---On resuming at 3:20 p.m.

2 MADAM CHAIR: Please be seated.

3 MR. COSMAN: Madam Chair, before we
4 start, I had copies made of the previous timetable that
5 was part of the overview and handed it out to Mr.
6 Freidin and my other friends, but I have two extra
7 copies for the Board. (handed)

8 MADAM CHAIR: Thank you, Mr. Cosman.

9 MR. MARTEL: Thank you.

10 MR. COSMAN: Q. And we have dealt with
11 the first page of that. Oh, just before I do, there is
12 also -- it has been brought to my attention that MNR
13 Question 4 in the book of interrogatories, the second
14 page of that is missing. It wasn't missing when it was
15 sent out to the parties but it is missing from my
16 binder, and I take it from yours as well.

17 So you will see when you come to the
18 bottom of the page it looks like it continues and then
19 the second page of that is missing. I have that second
20 page as well. (handed)

21 MADAM CHAIR: Thank you.

22 MR. COSMAN: Just if you slip it in that
23 spot. It's the third page, not the second.

24 If you look you will see MNR Question 4
25 continues on page 2 and the bottom of page 2 it says:

1 "Would have to be couched within the
2 economic and protect and enhance the
3 moose resource...", et cetera. That's
4 the continuation of that.

5 MADAM CHAIR: That doesn't seem to make
6 sense.

7 MR. YOUNG: There's some overlap there,
8 Madam Chair.

9 MADAM CHAIR: I see.

10 MR. YOUNG: The middle of the third
11 paragraph.

12 MADAM CHAIR: All right..

13 MR. COSMAN: It doesn't quite --

14 MR. YOUNG: There is some overlap there.

15 MR. COSMAN: I see.

16 MR. YOUNG: The first one, three and a
17 half paragraphs of the hand out overlaps.

18 MR. COSMAN: I will be dealing with this
19 today in any event in respect to the answer and make
20 that very clear with that overlap. That is the third
21 page of that interrogatory.

22 Q. Now, Mr. Fry, I would like to ask you
23 to go to the timetable for plan preparation. We've had
24 Mr. Munro describe for us the various steps in year one
25 of pre-planning which is the exhibit that's up there,

1 part A, and can you tell us what you will be describing
2 in terms of the timetable for plan preparation?

3 MR. FRY: A. I will be describing the
4 timetable as it continues after the end of the
5 pre-planning phase.

6 I just want to point out, so there is no
7 confusion, in our proposed system there will be two
8 information centres. The first information centre will
9 be that described by Mr. Munro which is a Ministry
10 hosted information centre at which the executive
11 summaries of the background information and the
12 integrated resource database and report of past forest
13 operations and proposed future direction, as well as
14 input from the local citizens committee will be
15 presented to the general public for their review and
16 for their input. It's information centre No. 1.

17 Q. And is it at that centre that the
18 values map would be available as well?

19 A. That is correct, it would be
20 available at that stage and, of course, would be
21 subject to further updating as a result of input
22 received at that information centre.

23 Q. All right. And I take it that you
24 are now going to, in your description of the balance of
25 the timetable, deal with the second information centre?

1 A. Yes, I am.

2 Q. All right. Why don't you deal with
3 it when we come to it rather than jump ahead to it.

4 A. Okay.

5 Q. So carry on from where Mr. Munro left
6 off, the end of the pre-planning year, and tell us what
7 the steps are -- scheduled steps are in the timetable
8 for plan preparation and review?

9 A. At the end of year one we will -- the
10 plan author will have executive summaries that will be
11 provided -- that will have been developed for these
12 four different areas that I outlined a few moments ago.

13 You will also have in those executive
14 summaries the results of all the stages of public
15 review that has been received up to that point in time,
16 and that would be input that has been received from the
17 local citizens committee, input that has been received
18 from the general public at the information centre
19 during the 30-day review period following the
20 information centre, and information that he would
21 have -- that would have been gleaned from the
22 preparation of the executive summaries to the IRUC, and
23 that is the starting point as of January 1st.

24 Q. So now you're now taking us to year
25 2, January 1st of year 2 which is No. B of the boards.

1 A. That is correct. And just outline
2 the various sources of input that we have to -- as plan
3 author we have to start off with.

4 We will also receive on January 1st from
5 the Ministry of Natural Resources a list of those
6 persons who are technical experts that will comprise
7 the technical group with which we will work to prepare
8 our plan. We also receive from him a list of all
9 interested parties, all interested persons who have had
10 input, who have expressed some interest in plan
11 preparation, and at that point we will be -- as plan
12 author, we will be obliged to contact those persons to
13 make personal contact with them face to face or over
14 the phone or whatever.

15 MR. MARTEL: Why would you not have had
16 contact with them since this process has been going on
17 for a year?

18 MR. FRY: We would have contact during --
19 various parties would have had contact with them during
20 the pre-planning phase, it may not have been the plan
21 author directly, but in many cases it would be. In any
22 event, at this point it's obligatory that as plan
23 author we get in touch with every one of those.

24 We would work with the technical group,
25 we would work with those parties that we contact, we

1 would work with the local citizens advisory committee
2 towards the development of a draft plan which would be
3 essentially completed by approximately May 1st.

4 At that time there would be complete
5 presentation made to the local citizens advisory
6 committee of everything that will be -- that will show
7 up in the draft plan. And as I've suggested to you,
8 Mr. Martel, earlier I think there would be other points
9 during the plan preparation that we may in fact talk to
10 them for input during plan preparation, but this would
11 be formal presentation to them of that draft plan.

12 We would take any input that they may
13 have at that time, incorporate it, if it is essential
14 to incorporate it, in the draft plan that would then be
15 submitted no later than June 1st to the Ministry of
16 Natural Resources for their review and for development
17 of their list of required alterations.

18 We would get that review and that list of
19 required alterations back from the Ministry of Natural
20 Resources by July 1st, at which time the plan author
21 would then prepare an executive summary of the plan and
22 of the input that has been received.

23 On July 15th the plan author would host
24 an information centre, this is the second information
25 centre, the first one hosted by the Ministry of Natural

1 Resources, the second one hosted by the plan author, at
2 which time you present a draft plan. Available at that
3 information centre would be the Ministry's review of
4 the draft plan, a distillation of the citizens -- local
5 citizens committee's input and any individual input
6 that has been generated as a result of our direct
7 contact with the parties.

8 Q. Now, Mr. Fry, if I may interrupt you
9 there. During the scoping session the Board raised
10 with me the question as to whether or not this
11 information centre or the date of this information
12 centre might pose a problem for some people. Can you
13 address that question?

14 A. Well, many of the -- some of the
15 concerns that we have received of course have been --
16 have come from the tourism sector, the tourist
17 outfitter sector. That particular point in time is
18 probably one of the best times for them to be able, to
19 make time available to come to an open house.

20 If an open house were held in the winter
21 time, of course, most of them are -- many of them are
22 absent, being on trade show type excursions down into
23 the States to promote their business or they may simply
24 live in the States. The middle of the summer is
25 probably one of the slack times of the year for them,

1 so they would have a better opportunity to attend the
2 open houses at that time.

3 There may obviously be some parties that
4 we might miss as a result of vacation schedules or that
5 type of thing. I just want to point out that there has
6 been lots of opportunity, as we have indicated here,
7 prior to this stage for input by local citizens,
8 including the open house here, the invitation to
9 participate during the pre-planning phase, during the
10 opportunity to - make sure I have the correct one
11 here - during the opportunity to become involved
12 directly in the plan development and to liaise
13 directly -- deal directly with the plan author.

14 So in our view it's at the July 15th date
15 is not probably going to hit -- while it may miss a
16 number, it's going to hit a large number, a large
17 proportion of the interested public, and parts of the
18 public that we might miss will have had opportunity at
19 other stages to become involved and to find out about
20 the plan preparation.

21 Q. Is there any date that's perfect in
22 that regard?

23 A. We found that there is no really best
24 date, it's -- you're always going to run the risk of
25 missing someone.

1 Q. Just before you leave that, with
2 respect to the experience of the other planners on this
3 panel, is there anything additional that anyone may
4 wish to add?

5 MR. MUNRO: A. With regard to what the
6 date is?

7 Q. Yes, the timeliness of that meeting.

8 MR. MUNRO: A. No, there really isn't
9 any good date. We know what poor dates are and that's
10 the opening season in terms of May, and a month prior
11 to that is a terrible time as well. So I would think
12 this is probably the best available.

13 MR. MARTEL: Well, what's wrong with
14 September, and there's a whole series of things,
15 because by that time people who are away on vacation by
16 and large - July being one of the most major months for
17 vacation - to be back, the tourist industry by and
18 large for fishing purposes is almost down by
19 mid-September, hunting hasn't really got into full
20 swing, that seemed to me to be a more appropriate time,
21 but how does it coincide with the rest of the plan I
22 guess is the question?

23 MR. FRY: I think the problem is that
24 when you start -- when you work towards this April 1st
25 approval and start backing up that is where you start

1 to run into problems. And I would say that if
2 everything goes right, if there are no problems at all,
3 then probably -- it may be that September isn't a bad
4 time, but we have deliberately left a period of time in
5 here that we will know that we have an approved plan in
6 place and that we are not going to be running into
7 problems as of April 1st.

8 Right now I, for example, on a timber
9 management plan for the Big Pic that I prepared a few
10 years ago, we did not have plan approval until March
11 31st and we were to start operations on April 1st of
12 the plan. So that there is virtually no leeway there
13 at all to resolve problems that may develop during this
14 is 30-day public inspection period.

15 I don't know whether other parties or
16 other planners might --

17 MR. YOUNG: Mr. Cosman, I could add to
18 this. I think that there is not just one shot for the
19 public to participate in an information centre. In a
20 lot of cases there is more than one information centre
21 and that has been the experience in the past, where
22 there may be one or more communities involved there may
23 be two information sessions at different communities to
24 provide input from the public, and usually the hours
25 are catered to provide opportunities for shift workers,

1 day workers to provide input. So there is some
2 flexibility as far as providing input or method of
3 input. It's not just a one-shot, one-day method.

4 MR. FRY: That would be my big concern is
5 that--

6 MR. MARTEL: The time lag.

7 MR. FRY: --it gives you nothing in here
8 to work with.

9 MR. MARTEL: Yes. My concern is it's a
10 draft plan and it's been reviewed and now we're
11 bringing it to the public and there seems to be quite a
12 significant occasion in the whole process that you're
13 presenting to the public the draft plan after it's gone
14 through all the steps. I just worry about that.

15 MR. FRY: Well, we do have probably
16 obviously it's best, and from a plan author point of
17 view, I would like to be able to talk to people that
18 are at the open house and who may have some concerns
19 about something that I'm presenting there, but there is
20 still this opportunity for the 30-day review period, so
21 that if you do miss someone at the open house, although
22 it is not ideal, at least you can still hit them if
23 they want to talk to you about something.

24 MR. COSMAN: Q. Mr. Munro, do you wish
25 to add to that?

1 MR. MUNRO: A. One thing that we really
2 have to be careful of is the December 1st deadline. If
3 you move the July deadline into September, your plan --
4 your final plan becomes available right at Christmas
5 time or shortly after Christmas, which is a really bad
6 time of the year. That is when most of the sports
7 shows start up where people are not really available.

8 So there's a number of factors that you
9 have to consider, particularly when the final plan will
10 be available as well.

11 Q. Would you carry on then. You've
12 described -- you told us when that information centre
13 takes place. Can you tell us what the plan author
14 hosted information centre is all about, what takes
15 place at that particular occasion?

16 MR. FRY: A. Well, at that particular
17 time --

18 Q. Sorry, just let me step back. Who
19 knows about it and how, first of all?

20 A. Well, of course the general public is
21 going to be advised through copious amounts of
22 advertising in local papers, on local radio stations,
23 on community television, that type of thing. So that
24 there will be the normal type of advertising that would
25 be done to advise citizenry of interested public of the

1 time location, et cetera, of the open house.

2 Q. Would interested parties who have
3 identified themselves be contacted directly?

4 A. Yes, they would. If they -- anyone
5 that has been identified at the start of year two that
6 I just pointed out here, these interested individuals
7 or groups, they would definitely be contacted
8 personally to advise that there is the open house or
9 the information centre at which the draft plan will be
10 presented. So they would be aware of that.

11 Q. Right. Mr. Munro, you have
12 experience -- direct experience with native people
13 being contacted for purposes of information centres.
14 And can you just tell the Board what would be done in
15 respect of native communities, also based upon your
16 present experience so the Board will have the benefit
17 of that as well?

18 MR. MUNRO: A. For the native
19 communities that I have to deal with directly, they
20 have been treated -- or Mr. Fry, could you just put up
21 the first -- in many cases, many of the concerns that
22 the native communities would have are dealt with in
23 pre-planning and they would have the opportunity to
24 come forward and identify their values as being part of
25 the local citizenry group, they could be a member of

1 the integrated resource user committee as well. So
2 that they do have the opportunity during pre-planning
3 to become involved and bring forth their values and
4 help produce a values map essentially.

5 Mr. Fry, if I could have the next. It
6 has been my experience that particularly with our
7 company that we go and deal directly with the native
8 communities and they would in fact be an interested
9 party and we have gone to the reserves and asked them
10 for their input, we have dealt with things in terms of
11 what allocations are possible to assist the community
12 and where their values are and how our operations can
13 take place. So they really are considered an
14 interested individual or party.

15 In addition to that, they would have the
16 normal type of notice provided to them, as Mr. Fry
17 explained, and they could come in and participate at
18 the information centres and make their concerns known
19 at that time. So we see them as a distinct party
20 within our company anyway and deal with them directly
21 up front.

22 Q. Mr. Fry, back to you. With respect
23 to what takes place at such an information centre,
24 we're talking here about the second information centre
25 hosted by the plan author.

MR. FRY: A. Well, what would be

presented at this - I'm not sure whether I ran through this before or not - but we would definitely have the draft plan itself, it would include maps of the type that we talked -- we provided evidence, spoke to before lunch -- I mean after lunch, we would have all of the supplementary documentation that would have gone into the development of that plan including a record of public participation to that point, there would be a summary, an executive summary provided there of the citizens committee input, the essential details of that, the essential details of any individual input that went into plan preparation.

There would of course be resource people there, much in the same line as we have at the present time under the Ministry's current system that is in place at this point.

Q. All right. What happens after the information centre is completed?

A. After the information centre is completed, and there may be a number, we are certainly not going to limit this to one location, there may be instances where there are a number of communities that are affected by operations on that particular forest and we would expect that we would take the open houses

1 to those various communities.

2 Following the open houses there would be
3 a 30-day period for the public to respond to what we
4 have presented, they may respond in writing following
5 the open house, they could respond right at the open
6 house, in which case their comments would be taken down
7 if they preferred that they not write them themselves,
8 but there would be a record of all input that we had
9 received at the open house and for that 30-day period
10 thereafter.

11 Following that 30-day period, by
12 September 1st the plan author would summarize the
13 results of the Ministry review and of comments received
14 from the general public and would present it to the
15 IRUC, would present the plan and these results to the
16 IRUC, making particular attention -- or paying
17 particular attention to highlighting any particular
18 contentious issues that may still be outstanding at
19 that time.

20 And by way of an example, I could think
21 of perhaps a situation where, as a result of all of the
22 discussions that were held in plan preparation, it may
23 be decided that to protect a particular lake that is of
24 high value tourism point of view, a road closure may be
25 implemented as part of the road use strategy, but there

1 may be at the same time considerable concern within a
2 local community or a part of the local community
3 relative to that road closure. Those kinds of items
4 would be highlighted for comment from the IRUC and
5 perhaps some indication from them as to the direction
6 to go in this respect.

7 By December 1st the plan author would
8 then prepare a final plan which would incorporate into
9 that plan all of the resolution of input, the final
10 decisions relative to input that would be incorporated
11 in the final plan. So we have a draft plan that would
12 be updated based on input that has been received up to
13 that point.

14 This plan would then be presented to the
15 Ministry for their approval, would contain the list of
16 required alterations, it would be approved by January
17 1st pending the 30-day public inspection of the final
18 plan.

19 Q. All right. Just going back one step.
20 The final plan is produced and presented to the Ontario
21 Ministry of Natural Resources; is this again because
22 they're obliged to approve the plan by law?

23 A. That is correct.

24 Q. And they can again at that stage -
25 and you have provision for making alterations to the

1 plan -- if they saw fit, if for example the plan author
2 did not include something that they felt should be
3 included?

4 A. Well, I guess during that period,
5 from December 1st to January 1st, they could perhaps
6 see some shortcoming still in the plan, but...

7 Q. Hopefully that would have been dealt
8 with before that?

9 A. Exactly. I see at this point in time
10 that once we submit a final plan it is a plan that will
11 receive approval.

12 Q. But it is open to the Ministry--

13 A. It is still open.

14 Q. --not to approve it or to change it?

15 A. That is correct.

16 Q. Then this brings us into year three.
17 What happens in the continued saga of plan preparation?

18 A. As I indicated, as of January 1st we
19 should have an approved plan in place, approved by the
20 Ministry pending this 30-day public inspection of the
21 final plan which then provides the opportunity for
22 bump-up, which will be discussed in more detail by Mr.
23 Suomu.

24 Q. All right. Thank you, very much.

25 I would like to address Mr. Wayne Young

1 on a number of questions. Mr. Young, you have prepared
2 the summary in the comparison document at Tab 4; is
3 that correct.

4 MR. YOUNG: A. Yes, Mr. Cosman.

5 Q. And just so the Board understands how
6 you've prepared it, the first page deals with guides
7 and guidelines, sometimes known and described by the
8 Ministry as implementation manuals?

9 A. That's correct.

10 Q. The second page deals with the
11 separate subject being supplementary documentation,
12 and the third page deals with the issue of access
13 planning.

14 First of all, if I can take you back to
15 page 1 and we will deal with the implementation
16 manuals. Can you tell the Board, sir, what the
17 Industry approach is to guides and guidelines?

18 A. As indicated by evidence far, so far
19 the guides and guidelines provide the plan author with
20 really a range of acceptable practices from which he
21 will make prescriptions as indicated on the map by Mr.
22 Fry and documented on the map as shown by Mr. Fry.

23 So he will utilize those guidelines or
24 implementation manuals to protect the value or enhance
25 the value.

1 Q. All right. On page 33 of your
2 witness statement in the first full paragraph, it is
3 stated as follows:

4 "The Industry considers the above
5 guidelines and manuals as management
6 planning tools to provide general
7 direction in the development of local
8 management prescriptions for individual
9 management units. The guidelines must
10 be flexible in their application. The
11 Industry is concerned about the potential
12 consequences should the guidelines be
13 become rigidly and strictly enforced
14 province wide without due consideration
15 for the operational and physical
16 operations which make every timber
17 management plan unique."

18 Now, what is this concern that you
19 express; why is it a concern?

20 A. The concern that the guidelines would
21 become too rigid comes from the fact, I guess we have
22 it referred to as a cookbook approach, where the
23 guidelines will provide a very precise operation within
24 those guidelines, and what the Industry is proposing is
25 that those guidelines will provide a range of

1 acceptable practices and it's from that range of
2 acceptable practices the plan author, in consultation
3 with the local committee and also the technical experts
4 at the management unit level, would formulate the
5 prescriptions of operations.

6 By allowing for the range at a local unit
7 level, the plan author can make the most appropriate
8 prescription or plan operation based on his or her
9 local knowledge of site conditions, their knowledge of
10 the management unit level, their knowledge and
11 assessment or analysis of the information, the
12 background information, his or her experience of past
13 results in operations, and also by utilizing public
14 concerns and input and participation, and we feel that
15 by keeping some flexibility there the plan author can
16 choose or plan an operation within the context of those
17 implementation manuals.

18 Q. Now, we have heard evidence that if
19 that choice made by the plan author is the subject of
20 disagreement by any party, then there is the process
21 that Mr. Munro is going to describe called the enhanced
22 planning process that would kick in.

23 Do you agree that this should be a remedy
24 available to someone who isn't happy or is concerned
25 with the choice made by the plan author?

1 A. Yes. If any party really, the
2 public, or it could also be a government agency in
3 reviewing the plan, determines that they have a concern
4 that was not addressed by the prescription formulated
5 from those implementation manuals, it would be
6 identified as a concern and the enhanced planning
7 process would be implemented at that point, yes.

8 Q. All right. I won't take you into
9 that because Mr. Munro will deal with it, but if I
10 could take you down to the third paragraph of your
11 witness statement on page 33, you say in the second
12 sentence of that paragraph:

13 "The full impact or benefit of the
14 application of the guidelines have not
15 been evaluated from an operational or
16 scientific perspective. The present
17 guidelines should be considered
18 Interim..."

19 Can you just tell us why you make that
20 statement?

21 A. As we have indicated, the
22 implementation manuals or guidelines would provide
23 really a range of acceptable practices for the plan
24 author to plan his activities. Some of the guidelines
25 that have been prepared were not prepared with this

1 thought in mind, of providing a range of acceptable
2 practices, and it's our view that we have to revise
3 these guidelines so that they will provide the range of
4 acceptable practices.

5 Q. And is there a procedure that you
6 propose for revision to the guidelines?

7 A. Yes. The procedure that the Industry
8 has suggested is that the provincial technical
9 committee that Mr. Innes outlined would be the
10 mechanism that would review and update the
11 implementation manuals on a really ongoing basis.

12 Q. Thank you, I would like you to turn
13 to the next page, page 34.

14 MADAM CHAIR: Excuse me, Mr. Cosman,
15 could we go back to the last point.

16 MR. COSMAN: Yes.

17 MADAM CHAIR: Which group is it that you
18 want to revise the guidelines or that you're proposing
19 revise the guidelines?

20 MR. YOUNG: Madam Chair, the provincial
21 technical committee at the provincial level would be
22 charged with the responsibility of updating and
23 reviewing and modifying any guidelines.

24 MR. COSMAN: Q. Perhaps, Mr. Young, I
25 can ask you to indicate to us after the question from

1 Madam Chair, as to how that would be done? Can you
2 take us through the process by which guidelines would
3 be revised at the provincial technical committee level?

4 MR. MARTEL: Maybe you could use one of
5 the guidelines that you say are not flexible.

6 MR. COSMAN: Q. Sure. Take the moose
7 guidelines, just for the sake of it.

8 MR. YOUNG: A. We would suggest that the
9 provincial technical committee would review the
10 guidelines on a fairly ongoing basis to make sure that
11 they contain, first of all, the most up-to-date
12 scientific knowledge, if there is scientific knowledge
13 that has been -- new scientific knowledge that is
14 available, that technical committee would ensure that
15 that new knowledge will go into modifying or updating
16 those guidelines.

17 They also may modify or update the
18 guidelines if there has been a concern expressed at the
19 regional level or even a management unit level that the
20 guidelines are, if you want to use the word, not
21 workable.

22 The mechanism we see is the -- probably
23 the best one would be the integrated resource users
24 committee, since they are viewing the management unit
25 level plans, would be the best mechanism to determine

1 if some of the guidelines need modification and they
2 could pass those recommendations up to the provincial
3 level to indicate that there is some problem with
4 implementation of those guidelines and that their
5 recommendation or their advice is that they be modified
6 or revised.

7 Those are two mechanisms we see on an
8 ongoing basis and also at a request from a local level.

9 Q. And perhaps I can take you back to
10 page 11 of the witness statement, and page 11 describes
11 certain functions of the provincial technical committee
12 and a listing of the guides to be reviewed, but the
13 third point under 2.2.1.2 on page 11, first of all
14 indicates:

15 "members to be appointed by the
16 Minister..."

17 Says:

18 "committee as an entity responsible
19 for the review and update of the
20 technical guidelines; construction
21 /operational manuals...", et cetera.

22 And then the third point. Can you
23 address that as to what information; that is, the
24 information of effects monitoring and how that would be
25 useful in the review of guidelines?

1 A. One of the mandates of the technical
2 committee would be to utilize the data generated by
3 that effects monitoring program to modify the
4 guidelines or implementation manuals based on the
5 effects of that program. So if the effects program is
6 showing that, for example--

7 Q. Use moose again.

8 A. --the moose guidelines are not
9 providing enough, for example, winter habitat, then the
10 effects monitoring program which would show that could
11 generate an update or revision or amendment of existing
12 implementation manuals.

13 Q. So that information would be made
14 available to the provincial technical committee?

15 A. Yes, it would.

16 Q. And what could the technical
17 committee do?

18 A. As we see it, the technical - if you
19 want to use the example of moose guidelines - the
20 technical committee would review the effects monitoring
21 program and determine if the guidelines should be
22 amended.

23 At that point, as Mr. Innes pointed out,
24 they would assemble the experts that have the most
25 current knowledge, scientific knowledge of moose

1 habitat and it would be their mandate to review and
2 update those with the latest scientific knowledge and
3 also the results of the effects monitoring program.

4 MADAM CHAIR: This issue was raised in
5 the cross-examination of Panel 9A last week, and the
6 members of Panel 9A essentially agreed that they
7 supported the Ministry's approach to effects and
8 effectiveness monitoring, but the issue was raised that
9 by the time you got any data actually generated from
10 the Ministry's proposed programs it could be five years
11 or seven years or ten years into the future.

12 And are you suggesting in terms of
13 revising the guidelines that Industry would wait this
14 long to do that, or would you expect to have
15 information much more quickly in the hands of these
16 committees and, in effect, be able to modify the
17 guidelines before these very long-term studies were
18 completed by the Ministry?

19 MR. COSMAN: Perhaps just before Mr.
20 Young answers, Mr. Innes who dealt with the question of
21 the provincial technical committee may be able to
22 assist us as well.

23 MR. INNES: I wonder, Madam Chair, Mr.
24 Martel, if I might give you an example which happened
25 to us, which is the sort of thing we are thinking

1 about. If you take the Iroquois Falls Forest, we have
2 fair sized clearcuts in that area because it's all
3 black spruce and we cut from one to the other in terms
4 of the way the planning process is put together there.

5 As you know, under the moose management
6 guidelines there's a clearcut restriction of I believe
7 130 hectares, that it can't be bigger than that without
8 violating the guidelines as they now sit.

9 There has been a tremendous amount of
10 discussion at the local level between the local MNR
11 biologist and the MNR technical experts and our own
12 staff as to whether that is an appropriate size and, in
13 fact, as I understand it, the MNR local biologist is
14 saying I don't agree with this 130 clearcut
15 restriction, it doesn't mean anything in this
16 particular case. Yet if we do contravene that we're in
17 contravention of the by-laws.

18 So that is the sort of thing which we
19 would recommend through the local citizens committee
20 and district manager go up to the IRUC and ask them to
21 appoint an interdisciplinary team to have a look at
22 this thing with whatever they need to take look at it
23 to say: Can we work on an interim basis on something
24 that we all agree upon until we gather some information
25 from the effects monitoring program?

1 So on that basis I would see a decision
2 being made based in science from the best available now
3 - until such time as there was further information
4 gathered through the effects monitoring program.

5 So we would not, in that case, in my
6 mind, sit and wait for five, seven years until
7 something came up.

8 Q. Do you wish to add to that, Mr.
9 Young?

10 MR. YOUNG: A. A. No, I agree
11 completely with Mr. Innes.

12 MR. COSMAN: Let me put it this way:
13 Madam Chair, as that data became available that would
14 be available to the provincial committee. Up until it
15 becomes available, the proposal of Industry is that the
16 technical committee would still continue to work.

17 It may be responding to scientific data
18 that comes from the academic community, it may be
19 responding to information that comes from parties
20 living in the area, or parties operating in the area
21 such as the example that Mr. Innes has provided, it may
22 be an MNR biologist's strong view based on some study
23 that is done internally, long before the data of the
24 effects monitoring program is in place, that something
25 should be changed to make it either stricter or looser

1 or different, and that is the kind of thing that could
2 be looked at by a team of specialists and a decision
3 made, whether or not a revision to the by-laws should
4 be made, to provide for a different or a difference in
5 the ranges of acceptable practices.

6 It may be the decision is not to, but
7 that is how I understand, based on my instruction, that
8 committee would operate and perhaps --

9 Q. Is that correct?

10 MR. INNES: A. That's quite right. I
11 should add one further point. In all cases it is a
12 decision of the Ministry of Natural Resources as to
13 whether the by-laws are modified--

14 Q. The guidelines.

15 A. --the necessary guidelines are
16 modified for a local situation or are changed or are
17 left intact as they were.

18 Q. So you've described in your evidence
19 the technical committee as being an advisory committee
20 to the MNR. In the end is the decision that solely of
21 the MNR?

22 A. Correct.

23 Q. All right.

24 MADAM CHAIR: With respect to revisions
25 to the guidelines during the process, that doesn't

1 necessarily call for any amendments to the timber
2 management plan; it depends on whether or not those
3 sorts of guidelines would be articulated in the
4 silvicultural guides or something else?

5 MR. COSMAN: I would think amendments, I
6 suppose - I'm just thinking - perhaps with respect to
7 an existing plan, if there is change to a guideline
8 based on solid scientific principle, assume that's been
9 done. Now, I presume it would be open to anybody to
10 move for an amendment to the plan in accordance with
11 that.

12 For example, let's say there's a decision
13 made that clearcuts should be smaller, clearcut strips
14 should be larger, whatever it is, if that decision is
15 made and there's an existing plan in place, there is
16 always provision - which we are going to be coming to -
17 either under the existing or under any system for
18 amendment to a plan.

19 So that just because a plan has been
20 adopted doesn't mean it's rigid in stone, but that
21 amendment process, depending upon the nature of
22 amendment, would again be subject to the usual public
23 review depending on how significant it is.

24 MR. MARTEL: I don't think Mr. Innes was
25 talking about an amendment though, maybe I

1 --misunderstood him. I didn't think he was talking about
2 a formal amendment, he said this would go to the IRUC

3 MR. COSMAN: I'll let Mr. Innes speak to
4 his specific example.

5 MR. INNES: Mr. Martel, the way I would
6 see this happening is either one of two routes - and we
7 talk about guidelines this time - and I would hope
8 during the planning process if this difference of
9 scientific opinion that arose at a district level came
10 up early enough there could be a resolution of that
11 problem, sir, prior to the production of the plan and,
12 therefore, you could work that into your plan in time
13 to put it to the open house and have it receive public
14 scrutiny et cetera.

15 If that did not occur, in our mind we see
16 ourselves working under a set of guidelines, a
17 procedure that's laid out and, in our minds, we would
18 work through the existing process and we have to put it
19 through that way and have the plan approved under that
20 process. Until such time as the change came through we
21 would have to seek an amendment then and go through the
22 amendment process because we were working under a
23 different set of rules and guidelines which somebody
24 would have to sign off on.

25 MR. MARTEL: What I was worried about is

1 what happens if it went to the IRUC and the provincial
2 body said no. You're just going to the regional level
3 if you take it to the IRUC, but is there any contact at
4 this stage -- contact with the main provincial advisory
5 committee?

6 MR. INNES: Yes. The only people that
7 can change guidelines is the provincial technical
8 committee and they do that as a recommendation to the
9 Minister or the Ministry of Natural Resources, and you
10 couldn't, even in our mind, get a local variation on
11 this without going back to the parent technical
12 committee.

13 So the IRUC would be the step in the
14 process to go to the higher level, sir.

15 MR. MARTEL: All right.

16 MR. MUNRO: If I can just add some detail
17 where Mr. Innes left off. Actually the guidelines and
18 the application of the guidelines are considered as
19 part of the pre-planning exercise.

20 The district manager would take a look at
21 the guidelines in conjunction with his or her staff and
22 say: We see a problem, an issue and we want to develop
23 a strategy, in this case it was Mr. Innes' example, the
24 guidelines don't necessarily fit for their particular
25 example, that is a problem and issue.

1 The district manager would have to
2 develop some type of strategy to deal with that. One
3 of the strategies can be: Too bad, you have got to use
4 them, or another strategy could be: Let's make the
5 clearcut sizes bigger and let's identify to the various
6 advisory committees that that's what we want to do, and
7 not only do we advise the committees but we highlight
8 it as a deviation from a guideline and take it to the
9 public and the public has the opportunity to look at
10 it, provide comments and in that formalized review
11 process people are getting an idea of what the feedback
12 is, what the sounding -- basically a sounding board on
13 that proposal.

14 So when it does get to the integrated
15 resource user committee, they have available to them
16 all the public comments and review that happened prior
17 to that and they would be in a very good position to
18 make a decision whether the deviation should proceed --
19 recommended deviation proceed or in fact take it to a
20 higher level, Mr. Martel.

21 And that's why we want to sort that sort
22 of stuff out in pre-planning. It's so crucial, that
23 you can't do it when you're producing a plan, you've
24 -- got to do it -- it's pre-planning, it's got to be done
25 before the plan author actually sits down and drafts up

1 that plan. If that is of any assistance.

2 MR. COSMAN: I don't know if -- are there
3 any further questions with respect to the guidelines,
4 Madam Chair.

5 MADAM CHAIR: No, Mr. Cosman.

6 MR. COSMAN: Thank you.

7 Q. With respect to access roads, Mr.
8 Young, what is the difference in the MNR and Industry
9 approaches to planning for access roads? This is set
10 out at the second page --

11 A. Third page.

12 Q. No, I'm sorry, the third page of your
13 summary.

14 MADAM CHAIR: What page in the witness
15 statement?

16 MR. COSMAN: It's Tab 4, page 3.

17 MR. YOUNG: Page 34 of the witness
18 statement, Madam Chair.

19 MADAM CHAIR: Thank you.

20 MR. YOUNG: Mr. Cosman I would like to go
21 through the types of roads and outline the differences
22 on a really subject matter.

23 The access planning, Madam Chair, for
24 primary access roads as presented in evidence to date
25 by the Ministry of Natural Resources is the same

1 process that the Industry is suggesting in our evidence
2 where there is a consideration and analysis of
3 alternative corridors for the primary roads for the
4 20-year plan; that is identical.

5 For secondary access roads, the Industry
6 is suggesting that we consider an analysis and do an
7 analysis of alternate corridors for secondary roads
8 falling within an area containing a recognized value
9 within the five-year operating plan period; that is
10 different from the Ministry of Natural Resources
11 process -- present process where they consider an do
12 analysis of all alternative corridors for secondary
13 roads. So there is a slight difference there.

14 MR. COSMAN: Q. Why is that difference
15 there?

16 A. The difference there is that, first
17 of all, secondary roads usually encompass a shorter
18 time frame -- timespan in which they are utilized, and
19 secondary roads can also encompass use management
20 strategies that can deal with some values.

21 We feel that as long as there is no
22 recognized value in close proximity to that secondary
23 road, that we should have the flexibility to locate
24 those secondary roads based on local field conditions
25 encountered during construction.

1 So, therefore, we are documenting really
2 where there is a value and that we would to analyse
3 alternatives to protect that value.

4 Q. All right. You carry on with your
5 review.

6 A. The access road costs associated with
7 those alternatives. The Industry would present an
8 estimate of the cost -- the road maintenance cost, the
9 road construction cost and the transportation cost
10 where that would be applicable; whereas the present
11 system access road costs are provided for all
12 alternatives, and that is different the Industry is
13 presenting.

14 Q. What is the problem with providing
15 estimates of costs for all alternatives?

16 A. I guess the one concern we have is
17 the competitiveness of the Industry, that in some cases
18 the road costs should be an internal company matter,
19 but we are definitely suggesting that where the
20 estimation of costs will be provided where the
21 alternatives -- where it is a factor in consideration
22 of alternatives; where it is not a factor in
23 consideration of alternatives, then we will not provide
24 it.

25 So an example, if one road alternative

1 costs four times as much as another road alternative,
2 we definitely would consider that applicable; where
3 there is a difference between road alternative A and B
4 of really no construction costs and no maintenance
5 costs, we don't feel it's necessary to supply that.

6 Q. Let's come to the key issue of
7 environmental protection of values here. Are values of
8 other users guaranteed through the planning approach
9 that you propose as far as roads are concerned?

10 A. Yes.

11 Q. How so?

12 A. Where primary roads and secondary
13 roads are planned, where there's a deviation from or an
14 absence of the guidelines or where there's a concern
15 expressed, then the value is elevated to the enhanced
16 planning process, the Industry is suggesting that an
17 environmental analysis of the roads be undertaken.

18 Q. So would there be an environmental
19 analysis if any person expresses a concern about the
20 ability of the guidelines to protect a value or
21 expresses a concern that the guidelines don't really
22 cover it, or they disagree with a prescription that has
23 been proposed?

24 A. Yes, it would be identical to the
25 process that Mr. Fry outlined in the operations of

1 harvesting, where there is a concern expressed at an
2 open house by an individual or a party, or where we
3 don't have the guidelines to utilize in prescription of
4 those roads, then we would go through an environmental
5 analysis of those roads.

6 Q. All right. If I may take you back a
7 page to supplementary documentation, that is Tab 4,
8 page 2, you indicate -- first of all, what is meant by
9 supplementary documentation?

10 A. Supplementary documentation is
11 information that would accompany the plan, really the
12 summaries of the information that was utilized in
13 preparing a plan and it would also be a summary of the
14 public consultation participation that was expressed in
15 not only preparation of the plan but also in the
16 pre-planning stages that Mr. Munro outlined.

17 Q. Now, with respect to what constitutes
18 supplementary documentation, you make direct
19 comparisons in the left and right-hand side of the
20 page. Firstly, summary of public consultation and
21 participation in preparation of the plan, that would be
22 included and that's -- the MNR proposal is the same?

23 A. Yes, that's correct.

24 Q. Summary of the major issues
25 encountered and addressed.

1 A. And that is required under the
2 present Ministry planning system.

3 Q. All right. Documentation of the
4 planning of access roads locations, subject to your
5 last comments, that would be the same as well?

6 A. Yes, that would be the same.

7 Q. Now, you're proposing an executive
8 summary of background information, analysis and review.
9 Is there such a summary now in the supplementary
10 documentation of the MNR?

11 A. No, there is not. As we have stated,
12 we have really split the timber management planning
13 into two processes; pre-planning and plan production.

14 The three items outlined there Mr. Munro
15 outlined -- examples are found in Appendices I, II and
16 III; Appendices I being the executive summary of the
17 background information, analysis or review; second
18 example in Appendices II, is executive summary of
19 integrated resource database, analysis and review; and
20 the third component would be an executive summary of
21 the report of past operations and proposed objectives,
22 targets and strategies, and all of those items are
23 presently not summarized in the Ministry planning
24 process.

25 Q. And finally, with respect to

1 guideline deviation or deviations from guidelines,
2 absence of guidelines, or enhanced planning process
3 issues, how will these be handled in the supplementary
4 documentation?

5 A. As we pointed out any operation, not
6 only harvesting, but access, wherever we deviate from
7 the implementation manuals or the guidelines, where
8 there are no guidelines available, or where concerns
9 are raised that elevate that value to the enhanced
10 planning process, documentation will commence and
11 documentation will include an environmental analysis
12 and that environmental analysis is a consideration of
13 alternatives, identification of alternatives, and
14 analysis of those alternatives, the determination of
15 mitigative or preventive measures to protect that
16 value, and the selection of the preferred alternative
17 and supporting rationale.

18 So that information would form part of
19 the supplementary documentation. As Mr. Fry pointed
20 out, it would be documented on the operations map and
21 would also in some cases be documented within the plan,
22 Table 5(e) I believe is the reference.

23 MR. COSMAN: And with that I go back to
24 Mr. Munro and the enhanced planning process. And I
25 take you back, Madam Chair, to Tab 2, page 5.

1 Q. Mr. Munro, the Board has heard how
2 Industry is proposing an enhanced planning process in
3 substitution for the area of concern - I guess it
4 shouldn't be concern - area of concern planning process
5 in the second column.

6 In that regard, before we talk about the
7 difference, can you tell us why Industry has concerns
8 with respect to the area of concern planning process
9 that is proposed by the Ministry?

10 What are the problems with it?

11 MR. MUNRO: A. There is three basic
12 problems with the current MNR AOC planning process as
13 Industry sees it. One, there's often unnecessary
14 documentation since many of the activities are planned
15 in conjunction and within a range of acceptable
16 practices identified in the guidelines.

17 Two is, as a result of the documentation
18 and the detail involved in it, it makes it very
19 difficult for the public to really understand what is
20 happening. It's contained in large plans, they have a
21 very difficult time going to the specific details that
22 they want, except by starting off on maps similar to
23 what Mr. Fry showed you and then working their way back
24 through the plan.

25 I guess the third element is, it's very

1 time-consuming and doesn't provide or afford any more
2 protection to the value, it creates more paper but, in
3 reality, it does not protect the value to any greater
4 extent.

5 MADAM CHAIR: Excuse me. To any greater
6 extent than what, Mr. Munro?

7 MR. MUNRO: If you use the guidelines and
8 it's within a range of acceptable practices you have a
9 choice based upon site-specific items. I would put to
10 you that that choice is going to be no different if you
11 document it or you don't document it.

12 The plan author, you can come to the
13 technical experts, the interested parties will select
14 the range that best suits the site-specific qualities
15 that have been identified in the field. The guidelines
16 are designed that way and the ones that aren't, we're
17 proposing that they be revised to.

18 The key is to get site-specific, do
19 what's best to protect that value on the site, not
20 necessarily in the plan.

21 I guess the last item is, we really want
22 to concentrate time and effort on real areas of
23 concern. So often we spend a lot of time documenting,
24 cross-referencing, mapping, for the most part people do
25 not have any concerns with those activities, and if

1 they do, we want them to identify it and we want to
2 deal with the individuals that have the concerns, and
3 real concerns not perceived concerns.

4 And that would summarize basically what
5 we see wrong with the current MNR system.

6 MR. COSMAN: Q. Is it Industry's
7 experience that there is an increasing number of areas
8 of concern within the Ministry's practice?

9 MR. MUNRO: A. We did consult with our
10 peer group and gather some information. It appears
11 that the number of AOCs is increasing at an exponential
12 rate. Simply because the public is really becoming
13 more involved, there is more information available now
14 than there was in the past and we're having a doubling
15 up effect, if we can put that way, as when you produce
16 a plan you have to document your AOCs, when you produce
17 your next plan you have to document whether you
18 complied with the prescription in the previous plan
19 involved. So you have this carryover effect, AOCs from
20 your previous plan have to come into your next plan to
21 show that you actually carried out the prescription as
22 it was identified. It's a really logistical problem.

23 MR. MARTEL: If you didn't indicate this
24 though in some manner, how would people know what
25 you've achieved or how you've protected a particular

1 value?

2 MR. FREIDIN: Sorry, Mr. Martel, I can't
3 hear your question.

4 MR. MARTEL: I said, if you didn't
5 document what you in fact did, how would people know in
6 the next plan what you in fact had achieved?

7 MR. MUNRO: What you're really speaking
8 to, Mr. Martel, is compliance monitoring and, as I
9 indicated on the overhead with the independent audit
10 team, that's one of their primary functions, is to show
11 or reference areas where the approved plan was not
12 necessarily followed and document that there was not
13 compliance, or document that there was compliance, and
14 the plan author would have to highlight that in his
15 executive summary and deal specifically with compliance
16 monitoring as you are audited by the audit team.

17 MR. COSMAN: Q. Also to respond to Mr.
18 Martel's, I wonder if you can put Mr. Fry's map back
19 up. Mr. Martel asked how would the public know about
20 the compliance unless there has been documentation of a
21 particular concern or value.

22 In Industry's proposal we heard evidence
23 that this kind of operational mapping does in fact
24 document the value and what is done to protect it. So
25 are you talking about, Mr. Munro, documentation over

1 and above what we have here when we talk about the area
2 of concern planning process? Is that what Ministry
3 requires?

4 I mean -- what I'm saying is: Does this
5 operating map indicate values and how they are
6 protected so that someone coming along can look to see
7 was there a heronry in this area, what was done to
8 protect it, and they could check it out for purposes of
9 the future?

10 MR. MUNRO: A. Well, perhaps if it would
11 be of assistance I could go through and explain what
12 currently would be done as opposed what we're
13 proposing.

14 Q. Yes.

15 A. Really this whole process that Mr.
16 Fry outlined has come as a result of working with the
17 planning system and it's evolved.

18 The detail that we are showing on our
19 maps now that we take to the public and display to them
20 is much greater now than, say, it was five or 10 years
21 ago, in that we are starting to detail out our
22 operating prescriptions on the map itself.

23 As Mr. Fry indicated, here's a heronry
24 rookery and this is the no-cut, it's coloured, it's
25 identified, the public come in and they go: I

1 identified that value previously, let's go see if it's
2 there. They go to this operating map, it's there, they
3 talk to the plan author about what type of operations
4 will be planned in that area, and the plan author and
5 the person that identified the value work together and
6 are in constant contact.

7 As Mr. Fry pointed out, one of the
8 exhibits, the plan author has to contact the person
9 that had the interest. So in this case on the heronry
10 rookery there would be constant dialogue back and
11 forth.

12 Q. Let me just ask you about the heron
13 rookery. If someone wanted to know whether that heron
14 rookery was protected under the Industry planning
15 system, would they be able to determine what was done
16 to protect it so that they could go out and see if on
17 fact on the ground it was done by looking at such an
18 operational map?

19 A. First, let's assume that you are an
20 interested individual, you come into the information
21 session, you have a complete values map in front of you
22 and if this heron rookery will be identified on that
23 key map, so from the key map you go to the detailed
24 map, you read out your prescription as laid out and
25 that will tell you exactly what's going to be done at

1 that time.

2 Now, how do you ensure that that is in
3 fact done? It's part of the compliance monitoring
4 program, it's carried out on an ongoing basis, that is
5 recorded and documented. So say Mr. Fry -- say one of
6 these no-cut areas, that would in fact show up and be
7 documented that that did occur.

8 Another check in that would be that the
9 audit team randomly selects projects that it wants to
10 visits, it selects harvesting projects, silvicultural
11 projects, and they go out and look and do an audit.
12 They don't look at everything but they audit specific
13 areas, and if they picked up that there was a
14 non-compliance, it would be identified in their report
15 as well.

16 Q. So, Mr. Munro, the value is
17 identified and the prescription is identified on the
18 Industry's system so that someone can - in response to
19 Mr. Martel's question - check to see if in fact the
20 value has been protected as provided under the
21 guidelines?

22 A. Absolutely correct. And where there
23 is a proposed deviation from a guideline; i.e., an
24 operations plan, even though the value isn't protected,
25 that is highlighted in the plan and it goes...

1 Q. Well, that could happen under either
2 system?

3 A. That's correct.

4 Q. But let's just deal first of all with
5 this. You have a value identified, a prescription
6 necessary to protect it is on the operational map and a
7 member of the public who has a particular interest in
8 that can look to see if in fact that prescription has
9 been honoured?

10 A. That's correct.

11 Q. All right. And in the Ministry
12 system, what would you have that would be different
13 from what Industry is proposing by way of such an
14 operational map with the values and prescriptions
15 identified?

16 A. A difficult question, Mr. Cosman,
17 because really as I mentioned we've been going through
18 an evolution. The plans are not necessarily consistent
19 through time and there is more detail being provided
20 now, so...

21 Q. But if you had a heron rookery now
22 under the existing planning system of the MNR, how
23 would that show up in the area of concern planning
24 process?

25 A. It would show up as part of the

1 supplementary documentation.

2 Q. All right. So that's an essential
3 difference?

4 A. Yeah.

5 Q. So you would have it identified by
6 some symbol and you've have to go back to the
7 supplementary documentation to see what is to be found
8 there?

9 A. Right.

10 Q. Which would contain prescriptions or
11 whatever?

12 A. Right. And what we find from a
13 practical standpoint is that basically all of the
14 planning is done on this map and very few people ever
15 go back to the supplementary documentation, once they
16 are satisfied or dissatisfied with what the plan
17 activity is.

18 Q. All right.

19 A. So this is the basis for plan
20 activity.

21 Q. Perhaps then you can go back to your
22 chair at this point in time and take us through the
23 various steps in the enhanced planning process so that
24 the Board will be able to see how this process stands
25 on its own, separate and apart from the area of concern

1 planning process of the Ministry.

2 A. What the Industry is recommending is
3 an enhanced planning process, and the reason that we
4 have created a new process, to a certain extent, is
5 that in our proposal we have provided for what we feel
6 is a pretty comprehensive evaluation and identification
7 of values by the public through the advisory
8 committees, the general public through the information
9 session, the use of the integrated resource user
10 committee there is lots of opportunity for people to
11 identify values and to come forward and make or have
12 input into the plan.

13 The other thing that our proposal is
14 based on is that you do have guidelines to protect the
15 values and that those guidelines are scientifically
16 based, they have gone through some type of
17 environmental analysis in order to determine what the
18 range of acceptable practices are, therefore, if you
19 operate within them you are in fact doing what is
20 appropriate to protect that value.

21 In addition to that, we have highlighted
22 where we deviate, where there is no guidelines for a
23 value they are highlighted in the plan, and we feel by
24 -doing this the public being involved in actually the
25 plan preparation, being contacted, that they are in a

1 much better position to feel comfortable with the
2 planning process.

3 I mentioned this morning that one of the
4 important things that has evolved is the public is
5 interested, they don't want to come into an information
6 centre and find the bulk of the plan done, they want to
7 be involved in the preparation of that plan, and we
8 feel that by getting them involved we will isolate or
9 reduce the real area of concern.

10 And the enhanced planning process
11 provides the opportunity for individual parties or a
12 government agency to identify an area of concern
13 regarding a proposed plan activity. So we have gone
14 through this lengthy process, worked with people, put
15 together a planned activity, somebody walks into the
16 information centre of the draft plan that is hosted by
17 the plan author and they go: I've got a certain
18 concern.

19 Q. All right, let me stop you there. I
20 want to use an specific example and I want to use an
21 example connected with the operating map that is
22 presented. I think on the -- there is an area of
23 protection for a trapper's line; is there?

24 A. No.

25 Q. All right. Well, let me just take

1 the heronry as the example, all right. I'll go back to
2 that one.

3 I walk into that information centre, I
4 look at a map and I see that on the values map there's
5 a heronry. I look to see what's on the operating map -
6 this is exactly what we'll see in the Industry
7 proposed, under the Industry proposed planning system -
8 and I take a look and I see what the prescription is
9 for the protection of that heronry and what does it
10 show?

11 A. I believe it's 300 metres, no cut.
12 300 metres, no cut.

13 Q. All right. And I have a particular
14 interest in herons and I think that that is not a
15 sufficient reserve to protect the heronry, so I say: I
16 don't like this, Mr. Munro, I think it should be 500
17 metres. What happens next?

18 A. The first thing that would happen, if
19 he identified or she identified that concern to the
20 plan author it would be documented at the open house,
21 or the individual could send in a letter or verbally
22 communicate that to the plan author that he or she had
23 a concern with that activity, documentation
24 automatically kicks in or is initiated.

25 From that point on anything that happens

1 regarding that area of concern is documented and --

2 Q. All right. Now, you're looking at --
3 in answering my questions, just for the purposes of
4 structure, take us down the left-hand column where you
5 set out all the various steps very clearly.

6 A. The first thing that would happen is
7 the plan author has to contact the individual that
8 raised the concern. Where appropriate, they would
9 carry out a field inspection. In the case of the heron
10 rookery it might be that by the plan author going
11 through the guidelines, explaining to the individual
12 that raised the concern how the guidelines were applied
13 and how the guidelines are scientifically based, it
14 could be that the individual does not have a concern
15 any more. At that point it would be documented that
16 the individual doesn't have a concern any more, but it
17 would still show up in the plan.

18 Q. I'm a rather obstinate individual and
19 I say, having gone through that process with you, I
20 still don't agree with you, what happens next?

21 A. Probably in this particular case it
22 would be appropriate to go to the field and do a field
23 inspection with the individual that raised the concern
24 and try and express, or look at the alternatives that
25 are available.

1 You would work -- try and work with the
2 individual to sort out what alternatives were
3 available. After that point the plan author would go
4 back and he would consider the alternatives, he would
5 analyse the alternatives in terms of total impact, he
6 would select an alternative and provide justification
7 for that selection.

8 Q. Would that justification be
9 documented?

10 A. That justification would be
11 documented as part of the plan. After he has completed
12 that task, he would take that to the district manager,
13 he would highlight that there was no agreement between
14 the individual that raised the concern, and he would
15 put forth his recommended solution to the problem.

16 In addition, the individual that did not
17 agree could do that as well, contact the district
18 manager, say we have still got an outstanding concern
19 here, we couldn't come to a resolution or solution to
20 the problem, and send that to the district manager.

21 At that point the district manager is
22 charged with the responsibility of making a choice, not
23 necessarily between the two solutions, but he could
24 come up with his own solution as well.

25 Once the district manager has made a

1 decision on a proposed solution, he calls the two
2 parties in, tells them what the solution is, and asks
3 for further feedback. If nothing happens, it goes in
4 the plan the way that the district manager has decided
5 and the plan author would be instructed to do that and
6 go in.

7 At that point if it's significant enough
8 and important enough to the individual that raised the
9 concern or the plan author, there is obviously the
10 process of bump-up that can be instituted at that time.
11 Hopefully that won't occur, and we believe that our
12 enhanced planning process provides for a mechanism, not
13 necessarily for conflict resolution, but really getting
14 down and dealing with actual concerns and real concerns
15 as opposed to generic concerns.

16 Q. Thank you, Mr. Munro. Is there
17 anything else you wish to add with respect to the
18 procedure, the enhanced planning procedure?

19 A. I think that about covers it, Mr.
20 Cosman.

21 Q. Thank you. I would then turn to Mr.
22 Suomu and ask you. Sir, to turn to Tab 5, page 1.

23 You deal, sir, with bump-up, plan
24 amendments and the annual work schedule and you set out
25 in your summary on three different pages the highlights

1 of the differences from the MNR system; is that
2 correct?

3 MR. SUOMU: A. That is correct.

4 Q. All right. With respect to bump-up,
5 what is the Industry proposal and how does it differ
6 from what the MNR is proposing?

7 A. We agree on one -- on the item that
8 bump-up requests can be made at any time during the
9 planning process, there isn't any limitation on this.
10 If an individual is concerned they can initiate bump-up
11 as early on in the process or late on in the process.

12 The problem with bump-up is that under
13 the Ministry's planning process they have designed a
14 process that maximizes the amount of dialogue and input
15 between all parties concerned, try to make every effort
16 to ensure that parties are in fact getting together and
17 discussing concerns, looking at the alternatives and
18 coming -- and making a serious effort to come up with a
19 solution.

20 Bump-up in the Industry's -- the Industry
21 feels that the process of the bump-up is a failure in
22 the planning process and, obviously, there has to be
23 some mechanism whereby that type of a non-resolution
24 can be addressed and it's through the bump-up process.

25 So that if you'll notice, if you follow

1 the evidence, there is a very detailed system whereby
2 the public input is solicited, their concerns can be
3 addressed, the parties can get together to look at
4 mutual agreements on solutions, and this process
5 basically continues right through until the end of the
6 planning period.

7 At that point, if there is no solution,
8 then the process of bump-up begins.

9 Q. Why is bump-up a serious matter for
10 Industry and, for that matter, for everybody else
11 concerned?

12 A. As I mentioned, bump-up is basically
13 a failure to agree on the proposed activities; in that
14 sense, a failure to agree on the activity and the
15 bump-up procedure proceeding means that that activity
16 comes to a halt or will not be allowed to proceed.

17 Under the timber management planning
18 process the series of activities, one depends on the
19 other, and if you have a particular activity not being
20 allowed to proceed it has a major impact on a whole
21 series of other activities. So it's a very -- it's an
22 extremely serious procedure in the Industry sense and
23 it basically stops that part of the planning or that
24 part of the planning activity to proceed. So it means
25 a whole second series of alternatives or contingencies

1 have to be initiated.

2 So the Industry is quite concerned about
3 the bump-up procedure and in its planning process has
4 outlined many steps in which the parties can get
5 together to come up with a -- or to come up with a
6 resolution to their problems.

7 We recognize that not all of the
8 conflicts will be resolved and bump-up provides a final
9 avenue with which to proceed, but the Industry during
10 this planning process has had a long opportunity with
11 which to have dealt with it and amend the planning or
12 amend the planned activities if it appears as if a
13 resolution is not forthcoming.

14 Q. I would like to perhaps ask any of
15 the other members of the panel as to, on the issue of
16 bump-up, if they can add to what Mr. Suomu has said as
17 to the reason why it's considered to be serious, a last
18 resort or even a failure of the planning system?

19 MR. INNES: A. Mr. Cosman, if I may.
20 Madam Chair, Mr. Martel, I think we see a spectre out
21 there in terms of process breakdown and I must couch
22 that within our concern that there always has to be and
23 avenue of last resort and, therefore, we support the
24 concept of bump-up.

25 Secondly, I couch it within the concern

1 that we have that the environment be treated in a way
2 which is appropriate under scientific principles, yet
3 if there is an easy access to bump-up, which could be
4 used in a frivolous manner, I think we can overload the
5 process to such an extent that everything in fact
6 breaks down, and I think it would be a governmental
7 concern as well as an Industry concern that that go to
8 that extent.

9 Therefore, what we are trying, as Mr.
10 Suomu says, is to provide every possible avenue for
11 resolution of conflicts prior to bump-up, yet firmly
12 recognize that there has to be an avenue of last resort
13 and, in fact, especially there has to be a very valid
14 way of treating our environmental responsibilities in
15 this particular event.

16 MR. MARTEL: Have you had experience
17 where people have frivolously attempted to stop
18 production, harvesting or other activities?

19 MR. INNES: Yes, we have, sir, in terms
20 of blocking roads and pulling out culverts and shooting
21 the front end of your tractors off and this sort of
22 type of activity; especially for example, during
23 hunting season where we post roads that are not
24 supposed to be travelled on because of the safety of
25 the workers in those areas.

1 I can't relate to bump-up because we
2 never got to that stage, but we certainly had some very
3 irresponsible activity occur.

4 MR. MARTEL: I guess I just worry because
5 that was a concern in other legislation, that things
6 would be frivolously used and they didn't pan out and
7 I'm just wondering.

8 MR. COSMAN: I think here, Mr. Martel, we
9 are dealing with a different situation because we have
10 this Class Environmental ongoing with Ministry orders
11 in place while it's ongoing.

12 Once the process is or is not approved,
13 with such changes as you wish, then the process for
14 bump-up is going to be there and, of course, it's a
15 legal issue too, and I think, as Mr. Suomu has said,
16 the avenue is always there, there is always a right to
17 apply to the Minister of the Environment and we can't
18 tell and don't pretend to be able to tell the Minister
19 of the Environment when he may initiate the process.

20 The object of the exercise here is to try
21 to put in place a set of reasonable steps so that the
22 heavy cost of that would be hopefully unnecessary
23 except in those rare cases where problems cannot be
24 resolved, but the importance of this evidence, from our
25 perspective, is to address how serious it is if the

1 ... process doesn't work through the planning process up
2 until that point. But everyone recognizes and the
3 Industry supports, as Mr. Innes said, that there has to
4 be a remedy of last resort.

5 MR. INNES: And furthermore, if I may add
6 to that Mr. Cosman, I think going back to my concept of
7 loading here, in the case of a bump-up request being
8 brought forward it's in everybody's interest that it be
9 dealt with as quickly as possible with resolution of
10 that problem as quickly as possible, and I think it's
11 important to recognize that.

12 And I would suspect, sir, that it's not
13 just through the timber management process that bump-up
14 will come before the Minister of the Environment, as it
15 will the other cases, as I understand, the
16 Environmental Assessment Act applies to all activities
17 that occur within the natural environment.

18 MR. MUNRO: I would like to add I guess
19 one of our major concerns is that people will opt out
20 of the process in terms of identifying their values
21 until such a point where it's to their advantage to get
22 involved, and you can't plan unless you know what
23 peoples' concerns are, and if they have a value that
24 affords -- needs to be protected or they feel needs to
25 be protected, we want them to come forth and identify

1 that up front.

2 I guess one of our concerns is that they
3 won't, and at the end, after we have completed that
4 draft plan and that final plan, somebody will come in
5 and identify a significantly important value and
6 literally stop the entire operation.

7 And maybe that concern is unwarranted,
8 but once you lay your heart and soul on the table in
9 terms of your plan and you work at it, other people
10 have to be committed to that participation and getting
11 involved as well, so you can work out potential
12 conflicts before bump-up is actually decided on.

13 MR. MARTEL: So the earlier the better?

14 MR. MUNRO: The earlier the better, and I
15 want to make sure that people feel comfortable getting
16 involved, that they don't use bump-up as a way to stop
17 the process.

18 And to stop the process at the final
19 draft plan stage basically means that we cannot operate
20 and that could be detrimental because our activities,
21 we have to operate in order to survive I guess.

22 MR. COSMAN: Q. All right. Mr. Suomu,
23 do you want to add to that?

24 MR. SUOMU: A. No. I think it was
25 brought out that the whole system is attempting to

1 bring out the issues early in the process. We have two
2 full years of planning set out in this process, that if
3 there are significant differences that they hopefully
4 have been brought up early in the system or early in
5 the planning process, dealt with over the remaining
6 time, and solutions agreed to.

7 If they haven't been, then obviously we
8 have this last avenue, and it certainly is available
9 there. We recognize that there may be occasions where
10 it has to be provided for, but the majority of the
11 items can be addressed through the planning process.

12 Q. All right. Mr. Suomu, back to you on
13 the next issue, that of plan amendment at page 2. How
14 do Industry's proposals for plan amendment differ from
15 the Ministry of Natural Resources?

16 A. We are in basic agreement with the
17 amendment process in terms of dealing with the
18 amendments. I just --

19 Q. You make two proposals for
20 differences on page 2.

21 A. Right.

22 Q. Can you highlight what those are?

23 A. Under the Industry's proposal we look
24 on administrative amendments, those which have no
25 significant impact.

1 Q. Okay. First, just before you deal
2 with that. You provide specific definitions for what
3 those three categories are; whereas I understand the
4 MNR is silent in that regard.

5 A. Not entirely silent, but perhaps we
6 are a little more specific in what we're asking for in
7 terms of amendment.

8 Q. Okay. Could you just detail briefly
9 what the differences are in that regard. What are the
10 definitions that you are proposing?

11 A. Administrative amendments would be
12 those amendments requested which have been processed
13 through the approved timber management planning
14 process, they have basically gone through a public
15 scrutiny, and the changes are basically those that have
16 no significant impact on the intent of the plan, there
17 are no identified values which are adversely affected,
18 and at that point, similar to the MNR proposal, the
19 district manager could make a decision at the local
20 level based on his analysis of the impacts of that
21 amendment request.

22 Minor amendments are those where values
23 have been identified and where there are individuals or
24 groups which could be affected. Again, the intent the
25 of the minor amendment is that it would have no

1 ~~significant effect on the~~ intents of the timber
2 management plan. That's the major difference on the
3 minor and administrative amendments, that they have no
4 significant effect on the intent of the plan.

5 Amendments -- and again, it's the
6 district manager's decision to review the amendment
7 request and if in his -- if it's his decision that
8 there is some uncertainty as to whether there could be
9 an impact on the public or that possibly further public
10 input is required, he could rule that this particular
11 amendment or amendment request be elevated to a major.

12 Again, the company's -- or the Industry's
13 concern is the effect of amendment decisions on its
14 operations. Elevating from a minor to a major
15 amendment involves a fairly long time process and
16 fairly long structured public input, public
17 notification, public information sessions, so that it's
18 to Industry's benefit to reduce this timing impact.

19 Where it's found that it's not possible
20 and that the impact is in fact a change of intent from
21 the timber management plan, then the major amendment
22 process would be initiated.

23 Q. And does --

24 A. The major change from all this is
25 that we would request that the district manager make

1 the decision as to the amendment classification within
2 15 days of written notice. As of this point in time
3 the MNR hasn't set any particular date.

4 Q. Is there a problem associated with
5 not responding within a reasonable time period from a
6 request for an amendment classification?

7 A. Yes, there very well might be. If in
8 fact there is no response and it turns out that it
9 becomes a minor or a major amendment, there's a lot
10 more documentation required in terms of processing the
11 amendment and it's in Industry's interest to know as
12 soon as possible the process, how much planning it must
13 do in order to have the amendment processed.

14 So we would like as soon as possible, and
15 we have indicated 15 days as a date in which we would
16 like to have a ruling from the district manager.

17 MR. COSMAN: I notice the hour, Madam
18 Chair. With your leave, I would propose to stop at
19 this time.

20 MADAM CHAIR: You are very punctual, Mr.
21 Cosman. We will adjourn now until nine o'clock
22 tomorrow morning.

23 MR. COSMAN: Yes. And I can advise you,
24 Madam Chair, that I will not be very long in the
25 morning, so that counsel, the next party, should be

1 ready to proceed.

2 MADAM CHAIR: Mr. Lindgren?

3 MR. LINDGREN: We are ready to proceed,

4 Madam Chair.

5 MADAM CHAIR: Thank you.

6 ---Whereupon the hearing adjourned at 5:05 p.m., to be
7 reconvened on Tuesday, June 26th, 1990, commencing
at 9:00 a.m.

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